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CONVENTION BETWEEN COSTA RICA AND PANAMA FOR THE SETTLEMENT OF THE BOUNDARY CONTROVERSY.

Signed at Washington, March 17, 1910.

The Republic of Costa Rica and the Republic of Panama, in view of the friendly mediation of the Government of the United States of America, and prompted by the desire to adjust in an adequate manner their differences on account of their boundary line, have appointed plenipotentiaries as follows:

Costa Rica, His Excellency Señor Licenciado Don Luis Anderson, Envoy Extraordinary and Minister Plenipotentiary on Special Mission.

Panama, His Excellency Señor Dr. Don Belisario Porras, Envoy Extraordinary and Minister Plenipotentiary on Special Mission,

Who, after having communicated their respective full powers, and found them to be in good and due form, have agreed upon the following convention:

ARTICLE I.

The Republic of Costa Rica and the Republic of Panama, although they consider that the boundary between their respective territories designated by the arbitral award of His Excellency the President of the French Republic the 11th of September 1900, is clear and indisputable in the region of the Pacific from Punta Burica to a point beyond Cerro Pando on the Central Cordillera near the ninth degree of north latitude, have not been able to reach an agreement in respect to the interpretation which ought to be given to the arbitral award as to the rest of the boundary line; and for the purpose of settling their said disagreements agree to submit to the decision of the honorable the Chief Justice of the United States, who will determine, in the capacity of arbitrator, the question: What is the boundary between Costa Rica and Panama under and most in accordance with the correct interpretation and true intention of the award of the President of the French Republic made the 11th of September, 1900?

In order to decide this the arbitrator will take into account all the facts, circumstances, and considerations which may have a bearing upon the case, as well as the limitation of the Loubet Award expressed in the letter of His Excellency Monsieur Delcassé, Minister of Foreign Relations of France, to His Excellency Señor Peralta, Minister of Costa Rica in Paris, of November 23, 1900, that this boundary line must be drawn within the confines of the territory in dispute as determined by the Convention of Paris between the Republic of Costa Rica and the Republic of Colombia of January 20, 1886.

ARTICLE II.

If the case shall arise for making a survey of the territory, either because the arbitrator shall deem it advisable or because either of the high contracting parties shall ask for a survey (in either of which cases it shall be made), it shall be conducted in the manner which the arbitrator shall determine upon, and by a commission of four engineers, one of whom shall be named by the President of Costa Rica, a second by the President of Panama, and the two others by the arbitrator. The persons selected by the arbitrator shall be civil engineers in private practice, in every respect independent and impartial, and without personal interest of any kind as respects either Costa Rica or Panama, and not citizens or residents of either of said countries.

Said commission shall make detailed reports, with maps of the territory covered by their survey or surveys, which reports and maps, with the data relating thereto, shall be returned to the arbitrator, and copies thereof shall be communicated to the high contracting parties.

ARTICLE III.

If, by virtue of the award of the arbitrator, any portion of the territory now administered by either of the high contracting parties shall pass to the jurisdiction and sovereignty of the other, the titles to lands or other real property rights in said region granted by the government of the former, prior to the date of this convention, shall be recognized and protected just as if they had issued from the other of them.

ARTICLE IV.

One month after the ratifications of this convention are exchanged, the representatives of the two governments, or of either of them, shall make request of the Chief Justice to accept the position of arbitrator.

Within four months from the date when the Chief Justice shall communicate to the signatory governments, through their respective legations in Washington, his willingness to accept the position of arbitrator, each said government through its representative, shall present to the arbitrator a complete exposition of the question and of its pretensions, together with the documents, allegations and proofs upon which it rests them.

If any survey shall be directed, as provided in Article II, said period of four months shall begin from the delivery to the arbitrator and to the high contracting parties of the reports, maps and data of the commission of survey hereinbefore provided for.

The arbitrator shall communicate to the representative of each government the case, with its exhibits, of the other party within two months after they shall be presented to him. Within the period of six months after the arbitrator shall so communicate the same, answers thereto shall be made, and such answers shall be limited to the subjects treated of in the allegations of the opposite party. The arbitrator may, in his discretion, extend any of the foregoing periods.

The cases and the proofs sustaining the same shall be presented in duplicate and the arbitrator shall deliver a copy to the representative of each government.

Either high contracting party may submit secondary evidence of documents and records when it is not practicable to produce the originals thereof.

ARTICLE V.

The Chief Justice shall make his decision within three months following the closing of the arguments.

ARTICLE VI.

The compensation and expenses of the arbitrator, including the expenses of any survey and delimitation which may be made, shall be equally borne by the high contracting parties.

ARTICLE VII.

The award, whatever it be, shall be held as a perfect and compulsory treaty between the high contracting parties. Both high contracting parties bind themselves to the faithful execution of the award and waive all claims against it.

The boundary line between the two republics as finally fixed by the arbitrator shall be deemed the true line and his determination of the same shall be final, conclusive and without appeal.

Thereupon a commission of delimitation shall be constituted in the same manner as provided in Article II with respect to the commission of survey, and shall immediately thereafter proceed to mark and delimitate the boundary line, permanently, in accordance with such decision of the arbitrator. Such commission of delimitation shall act under the direction of the arbitrator, who shall settle and determine any dispute as to the same.

ARTICLE VIII.

The present convention shall be submitted for the approval of the respective congresses of the Republics of Costa Rica and Panama, and ratifications shall be exchanged in the City of Washington, as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 17th day of March, A. D. one thousand nine hundred and ten.

(Signed) LUIS ANDERSON.

(Signed) BELISARIO PORRAS.

THE CONGO AGREEMENT BETWEEN FRANCE AND GERMANY.

November 4, 1911.

The Government of the French Republic and the Government of His Majesty, the Emperor of Germany, in order to continue and complete the convention of November 4, 1911, relative to Morocco, and in consequence of the rights of protection recognized to France over the Shereefian Empire, have agreed to proceed to an exchange of territory in their possessions of equatorial Africa and have resolved to conclude a convention to this effect.

Accordingly M. Jules Cambon, Ambassador Extraordinary of the French Republic to His Majesty, the Emperor of Germany, and M. de Kiderlen, Secretary of State for Foreign Affairs of the German Empire, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

France cedes to Germany the territories whose boundaries are determined as follows: The boundary will start on the Atlantic coast from a point to be determined on the eastern shore of the Bay of Monda, near the mouth of the river Massolié; deflecting toward the northeast, the boundary will run toward the southeast angle of Spanish Guinea. It will cut the river Ivondo at its confluence with the river Djoua (which will remain French), and from this point it will bear towards the east, to end at the confluence of the N'Goko and the Sanga to the north of Ouessou; the boundary will then start from the river Sanga at a point situated to the south of the center of Ouessou (which remains French), at a distance of six kilometers at least and twelve kilometers at the most from this locality, according to the geographic position of the places. It will deflect toward the southwest to rejoin the valley of the Kandeko as far as its confluence with the river Bokiba. It will descend the latter river and the river Likouala as far as the right bank of the Congo river. It will follow the Congo river as far as the mouth of the Sanga in such manner as to occupy along the bank of the Congo an extent of from six to twelve kilometers, which extent will be determined according to the geographic conditions. It will ascend the course of the Sanga as far as the river Likouala-aux-Herbes, which it will then follow as far as Botungo. It will continue then northward in nearly a straight line as far as Bera-N'Goko. It will then be deflected in the direction of the confluence of the rivers Bodingué and Lobaye and follow the downward course of the river Lobaye as far as the river Ubangui to the north of Mongoumba. On the right bank of the Ubangui and according to the geographical situation of the places, the German territory will be determined in such manner as to extend over an area of six kilometers at the least and of twelve kilometers at the most; the boundary will then bear obliquely towards the northwest in such manner as to reach the river Pama at a point to be determined to the west of its confluence with the river Mbi; it will then follow the valley of the Pama and later rejoin the east branch of the Logone near the point where this river meets the eighth parallel at the promontory of Goré. It will then follow the course of the Logone towards the north as far as its confluence with the river Shari.

ARTICLE 2.

Germany cedes to France all the territories situated to the north of the present boundary of the French possessions within the territories of the Chad, and situated between the Shari on the east and the Logone on the west.

ARTICLE 3.

Within six months after the exchange of the ratifications of the present convention, a technical commission, the members of which will be appointed in equal number by the French and German Governments, will define the boundary line in accordance with the general directions contained in Articles 1 and 2.

After eighteen months from the signing of the report of the work of the technical commission, the delimitation of the boundaries in accordance with the said report will be carried out by mutual agreement and as rapidly as possible, as well as the determination and the delimitation of the territories leased to the French Government, as is stipulated in the hereinafter following Article 8.

ARTICLE 4.

The technical commission and the agents charged with the delimitation referred to in the preceding article shall take into account in mutual agreement the configuration of the territory and the local conditions, such, for instance, as the facility for policing the frontier, or the racial identity of the population. They shall, as far as possible, make the boundary line follow the natural limits indicated by the river courses, and in case the boundary should run contrary to the direction of the rivers, it will follow the water-shed.

The reports of the technical commission and those of the agents appointed to delimit the boundary will not be definitive until ratified by the two governments.

ARTICLE 5.

The present exchanges of territory are made subject to the circumstances by which these territories are affected at the moment the present agreement is concluded, that is to say, subject to the condition that the two governments will respect the public and private concessions which may have been granted by either of them. The two governments will deliver to each other the text of the acts by which these concessions have been granted.

The German Government is substituted for the French Government in all the benefits, rights, and obligations resulting from the acts referred to above with respect to companies holding concessions, which will come under the sovereignty, authority, and jurisdiction of the German Government. A special convention will regulate the application of the above provisions.

The same rule will hold for France in regard to concessions which may be located in the territories which will come under its sovereignty, its authority, and its jurisdiction.

ARTICLE 6.

The German Government shall place no obstacle to the exploitation, to the maintenance, and to the repairs of the French telegraph lines at present running along the Ubangui, which shall remain French, where they cross German territory. The German authorities may transmit their communications by this line under conditions which will be fixed later.

ARTICLE 7.

If the French Government desires to continue across German territory a railroad between Gabon and Central-Congo and between this latter colony and Ubangui-Shari, the German Government shall place no obstacle in the way. The surveys as well as the works shall be carried on in accordance with arrangements which will be made at the proper time between the two governments, the German Government reserving the right to decide whether it desires to take part in the carrying out of these works in its territories.

If the German Government desires to continue upon French territory a railroad built in Kamerun, the French Government shall place no obstacle in the way. The surveys, as well as the works, shall be carried on in accordance with arrangements which will be made at the proper time between the two governments, the French Government reserving the right to decide whether it wishes to take part in the carrying out of these works in its territory.

ARTICLE 8.

The Imperial Government shall lease to the French Government, under conditions to be determined by a special act, lands bordering upon the Bénoué, the Mayo-Kébi, and beyond in the direction of the Logone, which lands shall be selected in view of the establishment of posts for

provisions and storehouses, intended to constitute a chain of relay posts.

Each of these tracts, the length of which along the river at high water shall be at most 500 metres, shall have an area which shall not exceed fifty hectares. The location of these tracts shall be determined in accordance with the local conditions.

If, in the future, the French Government should desire to establish between the Bénoué and the Logone, above or below Mayo-Kébi, a highway or a railroad, the Imperial Government shall not interfere. The French Government and the German Government shall come to an agreement as to the conditions under which this work might be carried out.

ARTICLE 9.

France and Germany, desiring to strengthen their good relations in their possessions in Central Africa, agree not to construct any fortified place along the river courses, which shall be open to both countries for purposes of navigation. This stipulation shall not apply to forts whose sole object is to protect the posts against the attacks of the natives.

ARTICLE 10.

The French and German Governments will come to an agreement regarding the works to be carried out with the object of facilitating the traffic of boats and small craft over the water courses, the navigation of which will be common to the two governments.

ARTICLE 11.

In case the navigation of the Congo or of the Ubangui should be closed, the right of passage shall be assured to France and to Germany over the territories belonging to the other nation at points where these territories touch those rivers.

ARTICLE 12.

The Governments of France and Germany renew the declarations contained in the Act of Berlin of February 26, 1885, which assure commercial freedom and liberty of navigation on the Congo and the tributaries of that river, as well as on those of the Niger. Therefore, German goods passing across French territory situated west of the Ubangui, and French goods passing across the territories ceded to Germany or following the routes indicated in Article 8 will be exempt from all duties.

An agreement to be entered into between the two governments shall determine the conditions of this passage and the points of entry.

ARTICLE 13.

The German Government shall place no obstacle to the passage of French troops, of their arms or baggage, or of their provisions through the Congo, Ubangui, Bénoué, Mayo-Kébi, as well as over the railroad which might be built later in the north of Kamerun.

The French Government shall place no obstacle to the passage of German troops, of their arms or baggage, or of their provisions through Congo, Ubangui, Bénoué, Mayo-Kébi, as well as over the railroad which may be constructed later from the seacoast to Brazzaville. In either case, the troops, if composed wholly of natives, shall always be accompanied by an European officer, and the government across whose territory the troops pass shall take all the necessary measures to avoid any obstacle being placed to their passage, and shall, at need, delegate an agent to accompany them. The local authorities will regulate the conditions under which the passage of troops shall be effected.

ARTICLE 14.

Equality of treatment in the transport of persons or of goods shall be accorded to the citizens of both nations over the railways of Congo and Kamerun respectively.

ARTICLE 15.

The French Government and the German Government, beginning with the day of the reciprocal cession of the territories made to Germany by France and to France by Germany, shall cease to exercise any kind of protection or authority over the natives of the territories ceded by them respectively.

ARTICLE 16.

In case the territorial statute fixing the conventional basin of the Congo, as defined by the Act of Berlin of February 26, 1885, should happen to be modified by either of the contracting parties, they shall deliberate together concerning it and they shall also confer with the other signatory Powers of the said Act of Berlin in regard thereto.

ARTICLE 17.

The present convention shall be ratified and the ratifications exchanged at Paris as soon as possible.

Done in duplicate at Berlin, November 4, 1911.

Signed: KIDERLEN.

Signed: JULES CAMBON.

AGREEMENT BETWEEN THE UNITED KINGDOM AND GERMANY WITH REGARD
TO SLEEPING SICKNESS.¹

Signed at Berlin, August 17, 1911.

With a view to the more effectual combating of the disease known as sleeping sickness in the Gold Coast Colony, the Ashanti Protectorate, the Northern Territories of the Gold Coast, and in Togoland, His Britannic Majesty's Government and the Imperial German Government have agreed as follows:

The said governments shall —

1. As far as the means at their disposal allow, cause the most thorough investigation to be made by expert medical officers into the extent of sleeping sickness in the colony and protectorates aforesaid;

2. Keep each other informed of the incidence, extent and possible spread of sleeping sickness in those dependencies;

3. Treat patients suffering from sleeping sickness and take preventive measures against the disease according to the means at the disposal of the local government's concerned;

4. Give instructions to their respective local authorities, that natives of one dependency found to be suffering from sleeping sickness in the other shall be treated free of cost in accordance with the arrangements made under § 3.

5. The two governments shall have the right to turn back at the frontiers of the above-mentioned dependencies native subjects of the other Power proved or suspected to be suffering from the disease.

6. The two governments shall have the right to impose such restrictions on the frontier traffic as may be deemed necessary to prevent the spread of sleeping sickness, but they undertake to communicate to one another without delay the terms of any restrictions so imposed.

7. This agreement comes into force on December 1, 1911.

This agreement is concluded for a term of three years, and it will remain in force automatically for further periods of one year until denounced by one of the parties six months before the expiration of that year.

Done in duplicate at Berlin, the 17th August, 1911.

(L. S.) W. E. GOSCHEN.

(L. S.) KIDERLEN.

¹ Great Britain Treaty Series, No. 22, 1911.

ULTIMATUM FROM ITALY TO TURKEY REGARDING TRIPOLI.¹*September 28, 1911.*

Throughout a long series of years the Italian Government has never ceased to represent to the Porte the absolute necessity that the state of disorder and neglect in which Tripoli and Cyrenaica are left by Turkey should come to an end, and that these regions should be allowed to enjoy the same progress as that attained by other parts of Northern Africa. This transformation, which is required by the general exigencies of civilization, constitutes, so far as Italy is concerned, a vital interest of the very first order, by reason of the small distance separating these countries from the coasts of Italy.

Notwithstanding the attitude maintained by the Italian Government, which has always loyally accorded its support to the Imperial Government on the different political questions of recent times, notwithstanding the moderation and patience displayed by the Italian Government hitherto, not only have its views in regard to Tripoli been misunderstood by the Imperial Government, but what is more, all enterprises on the part of Italians, in the aforesaid regions, constantly encounter a systematic opposition of the most obstinate and unwarranted kind.

The Imperial Government, which has thus up to now displayed constant hostility towards all legitimate Italian activity in Tripoli and Cyrenaica, quite recently, at the eleventh hour, proposed to the Royal Government to come to an understanding, declaring itself disposed to grant any economic concession compatible with the treaties in force and with the higher dignity and interests of Turks; but the Royal Government does not now feel itself in a position to enter upon such negotiations, the uselessness of which is demonstrated by past experience, and which, far from constituting a guarantee for the future, could but afford a permanent cause of friction and conflict.

On the other hand, information received by the Royal Government from its consular agents in Tripoli and Cyrenaica represents the situation there as extremely dangerous on account of the agitation prevailing against Italian subjects, which is very obviously fomented by officers and other organs of the authorities. This agitation constitutes an imminent danger not only to Italian subjects but also to foreigners of any nationality who, justly perturbed and anxious for their safety, have com-

¹ *London Times*, Sept. 29, 1911.

menced to embark and are leaving Tripoli without delay. The arrival at Tripoli of Ottoman military transports, the serious consequences of the sending of which the Royal Government had not failed to point out previously to the Ottoman Government, cannot but aggravate the situation and impress on the Royal Government the strict and absolute obligation of providing against the perils resulting therefrom.

The Italian Government, therefore, finding itself forced to think of the guardianship of its dignity and its interests, has decided to proceed to the military occupation of Tripoli and Cyrenaica. This solution is the only one Italy can decide upon, and the Royal Government expects that the Imperial Government will in consequence give orders so that it may meet with no opposition from the present Ottoman representatives, and that the measures which will be the necessary consequence may be effected without difficulty. Subsequent agreements would be made between the two governments to settle the definitive situation arising therefrom. The Royal Ambassador in Constantinople has orders to ask for a peremptory reply on this matter from the Ottoman Government within twenty-four hours from the presentation of the present document, in default of which the Italian Government will be obliged to proceed to the immediate execution of the measures destined to ensure the occupation.

Pray add that the reply of the Porte within the aforesaid limit of twenty-four hours must be communicated to us through the intermediary of the Turkish Embassy in Rome also.

SAN GIULIANO.

THE TURKISH REPLY TO ITALIAN ULTIMATUM REGARDING TRIPOLI.

September 29, 1911.

The Royal Embassy understands the many difficulties of the circumstances which made it impossible for Tripoli and Cyrenaica to share in the benefit of progress. An impartial examination of conditions does, in effect, suffice to establish that the constitutional Ottoman Government could not be held responsible for the existence of a situation created by the former régime. This being accepted, the Sublime Porte, in reviewing the course of events of the past three years seeks, but without avail, those circumstances in which it is claimed she has shown herself hostile to Italian enterprises relating to Tripoli and Cyrenaica. On the contrary, it has always appeared to her normal and reasonable that Italy should

cooperate with her capital and industrial activity to the regeneration of that part of the Empire. The Imperial Government is conscious of having shown favorable disposition each time it was confronted by propositions conceived in that spirit.

The Ottoman Government also has examined and generally settled in the most friendly way every claim and all other questions laid before it by the Royal Embassy. Is it necessary to add that in doing this it obeyed dictates so often manifested to cultivate and maintain relations of trust and of friendship with the Italian Government? In short, it was this sentiment alone which again inspired it, when it proposed most recently to the Royal Embassy an arrangement based upon economic concessions likely to furnish to Italian activity a vast field for operation in said provinces; in setting as the only limitation to these concessions the dignity and the superior interests of the Empire, as well as the treaties actually in force, the Ottoman Government gave expression to its sentiments of conciliation without, however, losing sight of the treaties and conventions that pledge the Ottoman Government to other Powers, and whose international worth would be forfeited by the will of one party.

Regarding the question of order and of security, both in Tripoli and in Cyrenaica, the Ottoman Government, well posted to appreciate the situation, can only prove, as it has already had the honor to do, all lack of reason which might justify apprehension regarding the fate of Italian subjects and of other foreigners therein established. Not only is there at this time no agitation in these countries and even less of inflaming propaganda, but the officers and other agencies of Ottoman authority have as their mission the safeguarding of order, a mission which they perform conscientiously.

As regards the presence in Tripoli of Ottoman military transports, which the Royal Embassy takes for its text to deduce from it the possibility of ominous consequences, the Sublime Porte believes it necessary to observe that it is question of a single transport whose expedition antedates by several days the note of September 26, independent of the fact that this expedition had no troops on board, could have had no other but a reassuring effect upon the people.

Reduced to its essential terms the actual disagreement resides in the absence of guarantee likely to reassure the Italian Government regarding the economic expansion of interests in Tripoli and in Cyrenaica. By not resorting to an act so grave as a military occupation, the Royal Government will find the Sublime Porte quite agreeable to the removal of the disagreement.

Therefore, in an impartial spirit, the Imperial Government requests that the Royal Government be good enough to make known to it the nature of these guarantees, to which it will readily consent if they are not to affect its territorial integrity. To this end it will refrain, during the parleys from modifying in any manner whatever the present situation of Tripoli and of Cyrenaica in military matters; and it is to be hoped that, yielding to the sincere disposition of the Sublime Porte, the Royal Government will acquiesce in this proposition.

CONVENTION AS TO CAPE SPARTEL LIGHT-HOUSE BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, SPAIN AND SWEDEN AND NORWAY, AND MOROCCO.¹

Signed at Tangier, May 31, 1865; ratifications exchanged February 14, 1867.

[Translation.]

In the name of the only God. There is no strength nor power but of God.

His excellency the President of the United States of America; and his majesty the Emperor of Austria, King of Hungary and Bohemia; his majesty the King of the Belgians, her majesty the Queen of Spain, his majesty the Emperor of the French; her majesty the Queen of the United Kingdom of Great Britain and Ireland; his majesty the King of Italy; his majesty the King of the Netherlands; his majesty the King of Portugal and the Algarves; his majesty the King of Sweden and Norway, and his majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide of common accord the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their plenipotentiaries, to wit,

His excellency the President of the Republic of the United States, Jesse Harlan McMath, Esquire, his consul general near his majesty the Sultan of Morocco;

His majesty the Emperor of Austria, King of Hungary and of Bohemia Sir John Hay Drummond Hay, commander of the very honorable order

¹ U. S. Compilation of Treaties in Force, 1904, p. 558.

of the Bath, his general agent *ad interim* near his majesty the Sultan of Morocco; his majesty the King of the Belgians, Ernest Daluin, knight of his order of Leopold, commander of number of the order of Isabella the Catholic of Spain, commander of the order of Nichan Eftikhar of Tunis, his consul general for the west coast of Africa: her majesty the Queen of Spain, Don Francisco Merry y Colon, grand cross of the order of Isabella the Catholic, knight of the order of St. John of Jerusalem, decorated with the Imperial Ottoman order of Medjidie of the 3d class, officer of the order of the Legion of Honor, her minister resident near his majesty the Sultan of Morocco; His majesty the Emperor of the French, Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the order of Francis the First of the Two Sicilies, commander of the order of St. Maurice and Lazarus of Italy, commander of the order of Christ of Portugal, commander of the order of the Lion of Brunswick, knight of the order of Constantine of the Two Sicilies, knight of the order of Guelphs of Hanover, his plenipotentiary near his majesty the Sultan of Morocco.

Her majesty the Queen of the United Kingdom of Great Britain & Ireland, Sir John Hay Drummond Hay, commander of the very honorable order of the Bath, her minister resident near his majesty the Sultan of Morocco, his majesty the King of Italy, Alexander Verdinois, knight of the order of St. Maurice & Lazarus, agent and consul general of Italy near his majesty the Sultan of Morocco.

His majesty the King of the Netherlands, Sir John Hay Drummond Hay, commander of the very honorable order of the Bath, acting consul general of the Netherlands in Morocco; his majesty the King of Portugal and the Algarves, Jose Daniel Colaco, commander of his order of Christ, knight of the order of the Rose of Brazil, his consul general near his majesty the Sultan of Morocco; his majesty the King of Sweden and Norway, Selim d'Ehrenhoff, knight of the order of Wasa, his consul general near his majesty the Sultan of Morocco, and his majesty the Sultan of Morocco and of Fez the literary Sid Mohammed Bargash, his minister for foreign affairs—who after having exchanged their full powers, found in good and due form have agreed upon the following articles.

ARTICLE I.

His majesty Scherifienne having in an interest of humanity ordered the construction at the expense of the Government of Morocco of a light house at Cape Spartel, consents to devolve, throughout the duration of

the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights proprietary and of sovereignty of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

ARTICLE II.

The Government of Morocco not at this time having any marine, either of war or commerce, the expenses necessary for upholding and managing the light house shall be borne by the contracting Powers by means of an annual contribution the quota of which shall be alike for all of them. If hereafter the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers, the expenses of repairs and in need, of reconstruction shall also be at his cost.

ARTICLE III.

The Sultan will furnish for security of the light house a guard composed of a Kaid and four soldiers, he engages besides to provide for, by all the means in his power, in case of war whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

ARTICLE IV.

The representatives of the contracting Powers charged in virtue of Article 1st of the present convention with the superior direction and management of the light house shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

ARTICLE V.

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should by official declaration have made known its pur-

pose to bring to a close so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

ARTICLE VI.

The execution of the reciprocal engagements contained in the present convention is subordinated so far as needful to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto which they bind themselves to do with the least possible delay.

ARTICLE VII.

The present convention shall be ratified and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original in French and in Arabic at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282 which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty five.

[SEAL.]	JESSE H. McMATH.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ERNEST DALUIN.
[SEAL.]	FRANCISCO MERRY Y COLON.
[SEAL.]	AYMÉ D'AQUIN.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ALEX'RE VERDINBOIS.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	JOSÉ DANIEL COLACO.
[SEAL.]	S. D'EHRENHOFF.
[SEAL.]	[Signature of Sid Mohammed Bargash, in Arabic.]

CONVENTION AS TO PROTECTION IN MOROCCO BETWEEN THE UNITED STATES, GERMANY, AUSTRIA, BELGIUM, DENMARK, SPAIN, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL AND SWEDEN AND NORWAY AND MOROCCO.¹

Signed at Madrid, July 3, 1880.

[Translation.]

His excellency the President of the United States of America; his majesty the Emperor of Germany, King of Prussia; his majesty the Emperor of Austria, King of Hungary; his majesty the King of the Belgians; his majesty the King of Denmark; his majesty the King of Spain; his excellency the President of the French Republic; her majesty the Queen of the United Kingdom of Great Britain and Ireland; his majesty the King of Italy; his majesty the Sultan of Morocco; his majesty the King of the Netherlands; his majesty the King of Portugal and the Algarves; his majesty the King of Sweden and Norway;

Having recognized the necessity of establishing on fixed and uniform bases, the exercise of the right of protection in Morocco, and of settling certain questions connected therewith, have appointed as their plenipotentiaries at the conference assembled for that purpose at Madrid, to wit:

His excellency the President of the United States of America, General Lucius Fairchild, envoy extraordinary and minister plenipotentiary of the United States near his Catholic majesty;

His majesty the Emperor of Germany, King of Prussia, Count Eberhardt de Solms-Sonnenwalde, knight commander of the first class of his Order of the Red Eagle with oak leaves, knight of the Iron Cross, etc., etc., his envoy extraordinary and minister plenipotentiary near his Catholic majesty;

His majesty the Emperor of Austria, King of Hungary, Count Emanuel Ludolf, his privy councillor in actual service, grand cross of the Imperial Order of Leopold, knight of the first class of the Order of the Iron Crown, etc., etc., his envoy extraordinary and minister plenipotentiary near his Catholic majesty;

His majesty the King of the Belgians, Mr. Edward Anspach, officer of his Order of Leopold, etc., etc., his envoy extraordinary and minister plenipotentiary near his Catholic majesty;

His majesty the King of Spain, Don Antonio Cánovas del Castillo,

¹ U. S. Compilation of Treaties in Force, 1904, p. 561.

knight of the distinguished Order of the Golden Fleece, etc., etc., president of his Council of Ministers;

His excellency the President of the French Republic, Vice-Admiral Jaurès, Senator, knight commander of the Legion of Honor, etc., etc., ambassador of the French Republic near his Catholic majesty;

Her majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Lionel Sackville West, her envoy extraordinary and minister plenipotentiary near his Catholic majesty who is likewise authorized to represent his majesty the King of Denmark;

His majesty the King of Italy, Count Joseph Greppi, grand officer of the Order of Saint Maurice and Saint Lazarus, of that of the Crown of Italy, etc., etc., his envoy extraordinary and minister plenipotentiary near his Catholic majesty;

His majesty the Sultan of Morocco, the Taleb Sid Mohammed Vargas, his minister of foreign affairs and ambassador extraordinary;

His majesty the King of the Netherlands, Jonkheer Maurice de Heldevier, commander of the Royal Order of the Lion of the Netherlands, knight of the Order of the Oaken Crown of Luxemburg, etc., his minister resident near his Catholic majesty;

His majesty the King of Portugal and the Algarves, Count de Casal Ribeiro, peer of the realm, grand cross of the Order of Christ, etc., etc., his envoy extraordinary and minister plenipotentiary near his Catholic majesty;

His majesty the King of Sweden and Norway, Mr. Henry Akerman, knight commander of the first class of the Order of Wasa, etc., etc., his minister resident near his Catholic majesty;

Who, in virtue of their full powers, recognized as being in good and due form, have agreed upon the following articles:

ARTICLE I.

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that government, France and other Powers in 1863, with the modifications introduced by the present convention.

ARTICLE II.

Foreign representatives at the head of a legation may select their interpreters and employees from among the subjects of Morocco or others. These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in Articles 12 and 13.

ARTICLE III.

Consuls, vice consuls or consular agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in Articles 12 and 13.

ARTICLE IV.

If a representative shall appoint a subject of the Sultan to the office of consular agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him shall be subject to no duty, impost or tax whatever, other than those stipulated in Articles 12 and 13; but he shall not have the right to protect any subjects of the Sultan other than the members of his own family.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in active charge of vice consulates being subjects of the Sultan shall, during the exercise of their functions, enjoy the same rights as consular agents who are subjects of the Sultan.

ARTICLE V.

The Government of Morocco recognizes the right of ministers, *chargés d'affaires* and other representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their governments, unless such persons shall be sheiks or other employees of the Government of Morocco, such as soldiers of the line or of the cavalry, in addition to the *Maghaznias* in command of their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution.

It is understood that civil suits commenced before protection, shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the legation, consulate or consular agency upon which the protected person is dependent.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was originally brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed.

ARTICLE VI.

Protection shall extend to the family of the person protected. His dwelling shall be respected.

It is understood that the family is to consist only of the wife, the children and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the Benchimol family.

Nevertheless, if the Sultan of Morocco shall grant another exception each of the contracting Powers shall be entitled to claim a similar concession.

ARTICLE VII.

Foreign representatives shall inform the Sultan's minister of foreign affairs, in writing, of any selections of an employee made by them.

They shall furnish annually to the said minister a list of the names of the persons protected by them or by their agents throughout the states of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

ARTICLE VIII.

Consular officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the minister of foreign affairs, to the end that, if it be not conformable to the regulations, the representatives at Tangier may be informed of the fact.

A consular officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his consulate.

ARTICLE IX.

Servants, farmers and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

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Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a legation or consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject or Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the diplomatic or consular authority under which he is shall be notified without delay.

ARTICLE X.

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863, except what is stipulated, relative to taxes, in the following articles.

ARTICLE XI.

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the minister of foreign affairs stipulated in the treaties.

ARTICLE XII.

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agricultural tax. They shall send to their consul annually, an exact statement of what they possess delivering into his hands the amount of the tax.

He who shall make a false statement, shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date and apportionment of this tax shall form the subject of a special regulation between the representatives of the Powers and the minister of foreign affairs of his Shereefian majesty.

ARTICLE XIII.

Foreigners, protected persons and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the representatives of the Powers and the minister of foreign affairs of his Shereefian majesty.

The said tax shall not be increased without a new agreement with the representatives of the Powers.

ARTICLE XIV.

The mediation of interpreters, native secretaries or soldiers of the different legations or consulates, when persons who are not under protection of the legation or consulate are concerned shall be admitted only when they are the bearers of a document signed by the head of a mission or by the consular authority.

ARTICLE XV.

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

ARTICLE XVI.

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

Nevertheless, the exercise by the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign Power, or for other altogether exceptional reasons.

The minister of foreign affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to

reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the government to which the service shall have been rendered.

Th number of persons thus protected shal. not exceed twelve for each Power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

ARTICLE XVII.

The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the Powers represented at the Madrid conference.

ARTICLE XVIII.

The convention shall be ratified. The ratifications shall be exchanged at Tangier with as little delay as possible.

By exceptional consent of the high contracting parties the stipulations of this convention shall take effect on the day on which it is signed at Madrid.

In faith whereof the respective plenipctenariaries have signed this convention, and have thereunto affixed the seals of their arms.

Done at Madrid, in thirteen originals, this third day of July, one thousand eight hundred and eighty.

[SEAL.] LUCIUS FAIRCHILD.

[SEAL.] E. DE SOLMS.

[SEAL.] E. LUDOLF.

[SEAL.] ANSPACH.

[SEAL.] A. CÁNOVAS DEL CASTILLO.

[SEAL.] JATRÈS.

[SEAL.] L. B. SACKVILLE WEST.

[SEAL.] J. GREPPI.

[SEAL.] MOHAMMED VARGAS.

(In Arabic characters.)

[SEAL.] HELDEWIER.

[SEAL.] CASAL RIBIERO.

[SEAL.] AKERMAN.

Regulations relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863, referred to in Article 10.

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected.

It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of brokers and interpreters for the post at Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

French protection is not extended to natives employed by French citizens in agricultural occupations.

Nevertheless, in consideration of the existing state of things, and by agreement with the authorities of Morocco, the benefit of the protection which has hitherto been granted to the persons referred to in the foregoing paragraph shall be extended to the said persons for two months from the first of September next.

It is moreover, understood that agricultural laborers, herdsmen, or other native peasants, in the service of French citizens shall not be legally prosecuted without immediate information thereof being communicated to the competent consular officer, in order that the latter may protect the interests of his countrymen.

The list of all protected persons shall be delivered by the proper con-

sulate to the competent magistrate of the place, who shall likewise be informed of any changes that may subsequently be made in the said list.

Each protected person shall be furnished with a card in French and in Arabic, mentioning his name and stating the services which secure this privilege to him.

All these cards shall be issued by the legation of France at Tangier.

TANGIER, *Aug. 19, 1863.*

DECLARATION BETWEEN THE UNITED KINGDOM AND FRANCE RESPECTING
EGYPT AND MOROCCO, TOGETHER WITH THE SECRET ARTICLES SIGNED
AT THE SAME TIME.¹

Signed at London, April 8, 1904.

ARTICLE I.

His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt.

The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country by asking that a limit of time be fixed for the British occupation or in any other manner, and that they give their assent to the draft Khedivial decree annexed to the present arrangement,² containing the guarantees considered necessary for the protection of the interests of the Egyptian bondholders, on the condition that, after its promulgation, it cannot be modified in any way without the consent of the Powers signatory of the Convention of London of 1885.

It is agreed that the post of Director-General of Antiquities in Egypt shall continue, as in the past, to be entrusted to a French *savant*.

The French schools in Egypt shall continue to enjoy the same liberty as in the past.

ARTICLE II.

The Government of the French Republic declare that they have no intention of altering the political status of Morocco.

¹ Great Britain Treaty Series, No. 24, 1911. This declaration, without the secret articles, is published in the SUPPLEMENT (Vol. I, p. 6) and is here reprinted for ready reference in connection with the secret articles now made public.

² For text of this draft Decree and Correspondence relating to the Declaration, see Parliamentary Paper "Treaty Series, No. 6 (1905)." [Cd. 2384.]

His Britannic Majesty's Government, for their part, recognize that it appertains to France, more particularly as a Power whose dominions are coterminous for a great distance with those of Morocco, to preserve order in that country, and to provide assistance for the purpose of all administrative, economic, financial, and military reforms which it may require.

They declare that they will not obstruct the action taken by France for this purpose, provided that such action shall leave intact the rights which Great Britain, in virtue of treaties, conventions, and usage, enjoys in Morocco, including the right of coasting trade between the ports of Morocco, enjoyed by British vessels since 1901.

ARTICLE III.

His Britannic Majesty's Government, for their part, will respect the rights which France, in virtue of treaties, conventions, and usage, enjoys in Egypt, including the right of coasting trade between Egyptian ports accorded to French vessels.

ARTICLE IV.

The two governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

The trade of both nations with Morocco and with Egypt shall enjoy the same treatment in transit through the French and British possessions in Africa. An agreement between the two governments shall settle the conditions of such transit and shall determine the points of entry.

This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time.

Nevertheless, the Government of the French Republic reserve to themselves in Morocco, and His Britannic Majesty's Government reserve to themselves in Egypt, the right to see that the concessions for roads, railways, ports, &c., are only granted on such conditions as will maintain intact the authority of the state over these great undertakings of public interest.

ARTICLE V.

His Britannic Majesty's Government declare that they will use their influence in order that the French officials now in the Egyptian service

may not be placed under conditions less advantageous than those applying to the British officials in the same service.

The Government of the French Republic, for their part, would make no objection to the application of analogous conditions to British officials now in the Moorish service.

ARTICLE VI.

In order to ensure the free passage of the Suez Canal, His Britannic Majesty's Government declare that they adhere to the stipulations of the treaty of the 29th October, 1888, and that they agree to their being put in force. The free passage of the canal being thus guaranteed, the execution of the last sentence of paragraph 1 as well as of paragraph 2 of Article 8 of that treaty will remain in abeyance.

ARTICLE VII.

In order to secure the free passage of the Straits of Gibraltar, the two governments agree not to permit the erection of any fortifications or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the heights which command the right bank of the River Sebou.

This condition does not, however, apply to the places at present in the occupation of Spain on the Moorish coast of the Mediterranean.

ARTICLE VIII.

The two governments, inspired by their feeling of sincere friendship for Spain, take into special consideration the interests which that country derives from her geographical position and from her territorial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government.

The agreement which may be come to on the subject between France and Spain shall be communicated to His Britannic Majesty's Government.

ARTICLE IX.

The two governments agree to afford to one another their diplomatic support, in order to obtain the execution of the clauses of the present declaration regarding Egypt and Morocco.

In witness whereof his excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of

Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's Principal Secretary of State for Foreign Affairs, duly authorized for that purpose, have signed the present declaration and have affixed thereto their seals.

Done at London, in duplicate, the 8th day of April, 1904.

(L. S.) LANSDOWNE.

(L. S.) PAUL CAMBON.

Secret Articles.

ARTICLE I.

In the event of either government finding themselves constrained, by the force of circumstances, to modify their policy in respect to Egypt or Morocco, the engagements which they have undertaken towards each other by Articles 4, 6, and 7 of the declaration of to-day's date would remain intact.

ARTICLE II.

His Britannic Majesty's Government have no present intention of proposing to the Powers any changes in the system of the Capitulations, or in the judicial organization of Egypt.

In the event of their considering it desirable to introduce in Egypt reforms tending to assimilate the Egyptian legislative system to that in force in other civilized countries, the Government of the French Republic will not refuse to entertain any such proposals, on the understanding that His Britannic Majesty's Government will agree to entertain the suggestions that the Government of the French Republic may have to make to them with a view of introducing similar reforms in Morocco.

ARTICLE III.

The two governments agree that a certain extent of Moorish territory adjacent to Melilla, Ceuta, and other *présides* should, whenever the Sultan ceases to exercise authority over it, come within the sphere of influence of Spain, and that the administration of the coast of Melilla as far as, but not including, the heights on the right bank of the Sebou shall be entrusted to Spain.

Nevertheless, Spain would previously have to give her formal assent to the provisions of Articles 4 and 7 of the declaration of to-day's date, and undertake to carry them out.

She would also have to undertake not to alienate the whole, or a part, of the territories placed under her authority or in her sphere of influence.

ARTICLE IV.

If Spain, when invited to assent to the provisions of the preceding article, should think proper to decline, the arrangement between France and Great Britain, as embodied in the declaration of to-day's date, would be none the less at once applicable.

ARTICLE V.

Should the consent of the other Powers to the draft decree mentioned in Article 1 of the declaration of to-day's date not be obtainable, the Government of the French Republic will not oppose the repayment at par of the guaranteed, privileged, and unified debts after the 15th July, 1910.

Done at London, in duplicate, the 8th day of April, 1904.

(L. S.) LANSDOWNE.

(L. S.) PAUL CAMBON.

DECLARATION BETWEEN THE GOVERNMENTS OF FRANCE AND SPAIN,
RESPECTING THE INTEGRITY OF MOROCCO.¹

Signed at Paris, October 3, 1904.

The Government of the French Republic and the Government of His Majesty, the King of Spain, having agreed to define the extent of the rights and the guarantee of the interests resulting, for France, from her Algerian possessions, and, for Spain, from her possessions along the coast of Morocco, and the Government of His Majesty, the King of Spain, having in consequence given its approval to the Anglo-French declaration of April 8, 1904, relating to Morocco and to Egypt, and communicated to it by the Government of the French Republic,

Declare that they remain firmly committed to the integrity of the Moroccan Empire under the sovereignty of the Sultan.

In consequence of this, the undersigned, his excellency the minister for Foreign Affairs, and his excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Spain, to the President of the French Republic, duly authorized to this effect, have prepared this present declaration, which they have vested with their seals.

Done at Paris, in duplicate form, October 3, 1904.

[L. S.] DELCASSÉ,

[L. S.] F. DE LÉON Y CASTILLO.

¹ Archiv Diplomatiques, Vol. 96, p. 677.

AGREEMENT BETWEEN GERMANY AND FRANCE RELATIVE TO MOROCCO.¹*February 9, 1909.*

DECLARATION.

The Government of the French Republic and the Government of the German Empire, animated by the same desire: to facilitate the carrying out of the Algeciras Act, have agreed to accentuate the importance which they attach to its articles, with the view of removing every possibility of misunderstanding between them in the future.

Therefore, the Government of the French Republic, entirely committed to maintain the integrity and the independence of the Shereefian Empire, determined to safeguard economic equality, and in consequence determined not to place any obstacle in the way of German commercial and industrial interests;

And the Imperial German Government, seeking economic interests only in Morocco, recognizing, moreover, that the particular political interests of France are closely connected with the question of order and internal peace in Morocco, and resolved not to interfere with these interests,

Declare they will neither pursue nor encourage any measure of a nature that might create in their favor or in favor of any other Power an economic advantage, and that they will endeavor to associate their respective citizens in affairs the exploitation of which may be granted to them.

EXCHANGE OF NOTES BETWEEN FRANCE AND MOROCCO.²*August 14-December 25, 1909.**August 14, 1909.*

In order to terminate the difficulties pending between the Government of the Republic and the Government of His Shereefian Majesty, it appeared that all the questions actually discussed with the Moroccan embassy at Paris were to be resolved simultaneously and the object of a single settlement.

The note hereafter transcribed states the views of the French Govern-

¹ Archiv Diplomatiques, 1910, p. 1.

² N. R. G., *id.*, p. 685.

ment regarding the evacuation of Chaouya and Casablanca, regarding the frontier region question and the frontier police, the liquidation of the Makhzenian debt and the payment of military expenses incurred by France in Morocco.

The provisional agreement relative to the evacuation of Chaouya is ratified under the condition of the following dispositions:

ART. 2. Instructions intended to enforce Article 2 and mutually agreed upon between the Makhzen and the French legation shall be given in writing to the native authorities of Chaouya.

ART. 9. The dispositions of Article 9 shall be replaced by those of the special agreement determined in Article 8.

ART. 10. As to the agreement to be reached regarding the evacuation of Casablanca, it has been resolved:

1st. Security in Chaouya will first of all have to be effectively assured. To this end, Moroccan troops actually charged with maintaining order in this province, will, for the time being, remain organized as they now are. They shall be paid and maintained on a special account inscribed in the Shereefian state budget and receive their pay through the Moroccan State Bank. In case of insufficiency of normal budgetary resources, the additional amount required shall be levied on the product of the provincial taxes. The amounts necessary to cover expenditures shall be drawn as specified in the regulation relative to harbor police. The present rate of pay may be revised after due agreement.

These troops may not be withdrawn from Chaouya except at such time as the Makhzen shall be able to replace them with Moroccan forces, organized and trained under the direction of the French military mission and under conditions similar to those governing harbor police, and capable of maintaining within the province the security of persons and of property and of commercial transactions as well. When these conditions are fulfilled, the French troops shall then withdraw, according to the dispositions of Article 1 of the provisional agreement, from the posts they are occupying in the interior of Chaouya; they shall then be stationed on the outskirts of Casablanca.

2nd. The Government of the Republic has never ceased to consider the city of Casablanca as Moroccan territory and does not intend to occupy the same permanently. It shall withdraw its troops when it is considered that the organization determined upon for Chaouya shall be able to maintain there efficient order and when all necessary guarantees shall have been furnished it by the Makhzen:

a) Regarding the refunding of the military expenses mentioned in Article 8 of the provisional agreement and the payment of indemnities to the victims of the Casablanca troubles;

b) As regards the Sheik Ma-el-Aïnin and the enemies of France in the Sahara. The Shereefian Government must prevent these agitators from receiving encouragement and assistance in money, weapons, and ammunition; to this end it shall address letters, of which the French legation shall receive copy, to the authorities of the Sous and of the Oued Noun, ordering them to repress the smuggling of weapons into these regions;

c) The Shereefian Government shall address to the local authorities formal instructions with a view of enforcing completely Article 60 of the Algéirias Act (right of foreigners to own real estate).

II.

The two governments believe that the régime to be realized in the frontier region rests first of all upon the previous arrangements concluded between them regarding this matter, and of which the provisional agreement proposed at Fez, March 24, ult., has had for its object to define clearly the details of enforcement.

Therefore, they approve the clauses of this agreement, completed by the following observations and dispositions:

The Makhzen shall designate without delay a Shereefian High Commissioner and confer upon him the powers necessary to exercise his attributions, particularly, the right to propose, after preliminary agreement with the French High Commissioner, the appointment and the removal of the caïds and other Moroccan officials.

The Makhzenian force referred to in Article 2 of the provisional agreement shall be organized in the following manner:

The troops shall be composed of Moroccan Mussulman soldiers, recruited by enlistment, trained and commanded by a sufficient number of French and Algerian officers and sub-officers. It shall be self-governing and placed under the authority of a French commandant approved by the Makhzen; and this commandant shall be under the immediate authority of the French and Shereefian High Commissioners. Its effective number may be increased gradually to 2,000 men, as indicated in Article 1 of the treaty of 1844. It shall be paid from the product of the imposts of the frontier regional tribes and from the taxes and dues mentioned in the agreements.

The indemnity stipulated in Article 1 of the provisional agreement regarding the occupation of the post Ras-el-Aïn of the Beni-Mather is fixed at 50,000 francs; it shall be deducted from the indemnity due the French Government on account of its military expenses.

The number of French troops stationed in the frontier region shall be reduced in proportion to the effective increase of the Makhzenian police. When this Makhzenian troop shall have reached the effective number of 2,000 men and been adjudged capable of fulfilling the mission indicated in Article 2 and in Article 3 of the provisional agreement, the French troops shall then be returned beyond the frontier.

With regard to Bou Denib and Bou Anane, the French Government is willing to vacate these posts without waiting for the time when the Makhzen shall have located an organized force therein, but with the condition that the freedom of commercial relations and the security of the caravans be sufficiently assured. To this end, agents designated by the two governments shall shortly, within the territory affected, seek for the means to obtain the object in view by building caravansaries where posts of native guards shall be installed, and by establishing regular official relations with the authorities of contiguous regions.

As soon as this system shall operate satisfactorily, the number of French troops shall then be gradually reduced and returned to Algeria.

Lastly, special precautionary measures shall be taken by the Makhzen that property rights of Algerians residing in Moroccan territory may be enjoyed without hindrance, in conformity with Article 6 of the agreement of July 20, 1901.

III.

The Makhzen is obligated to refund to diverse cred-

itors.	80,000,000 francs
Every delay complicates his financial situation.	
The military expenses to be refunded to France	
amount to	70,000,000
Total.	150,000,000

Appraisal of the indebtedness was established upon the facts furnished at the opening of negotiations begun late in June, 1900, by the treasury department and the Moroccan embassy. Each new debt of whatever nature would eventually have to be liquidated by means other than contemplated by the present operation.

Thanks to the moral support which the French Government will give to him, the Makhzen may hope to realize a public loan of 80,000,000 francs by the payment of an annuity of about 4,660,000 during 75 years, hence.....	4,660,000 francs
If, since the French Government might present this claim, the Makhzen were obliged to add to this loan the 70,000,000 francs due to France, the supplementary annuity under this head would, during 75 years, amount to an approximate 4,077,000 francs. But, to prove its kindly disposition toward Morocco, the Government of the Republic will not demand that its claim be included in the contemplated loan, and in order to minimize the charges which in this respect would devolve upon the Moroccan budget, instead of demanding an immediate refunding, it is ready to accept the payment of an annuity calculated not on the basis of the actual Moroccan credit, but on that of France. The annuity determined in this manner, with amortization in 75 years, would amount approximately to 2,740,000 francs. This contrivance yields in favor of the Makhzen an annual saving of 1,337,000 francs, and for 75 years, a total of 100,275,000 francs. France would, however, reserve to herself the privilege of either using this annuity in behalf of the loan guaranteed by her, or to negotiate the annuity, hence.	2,740,000
Total.	7,400,000
By postponing amortization for five years, the total would be reduced during this period by about 420,000 francs, and in this way brought to.....	6,980,000 francs
On the other hand, it seems desirable to reserve to the Makhzen for the total of his expenses, over and above his internal revenues, the sum of....	3,000,000 francs
This would bring the annual charges to a total of	9,980,000 francs

The resources upon which the operation may be based are: the surplus of the customs revenues after deduction: 1° of administrative expenses; 2° obligations of the loan of 1904, hence.....		6,000,000 francs
an eventual saving realized from the obligations of the loan of 1904 with the consent of the bondholders, by extending the period of amortization, hence	650,000	
tobacco monopoly to be established.....	1,200,000	
the <i>moustafadat</i> and <i>zekiat</i> in the cities along the sea-shore	500,000	
one half the land-tax levied on improved properties in the cities along the sea-coast.....	memorandum	
revenues from Shereefian domains.....	memorandum	
Total		8,350,000

The charges being 9,980,000 francs and the resources estimated at 8,350,000, there results an annual deficiency of 1,630,000 francs, which with the beginning of the sixth year will be increased by 420,000 francs on account of amortization.

Nevertheless, the French Government is willing to tender its good offices to the Makhzen in order to secure from the State Bank the necessary funds to make up the 3 million per annum of which he has need, and this arrangement to continue until the development of the revenues above estimated, the effective revenue of the tax on improved property and the revenue from the Shereefian domains will permit of meeting the deficiency.

It must be clearly understood that the commission to the loan of 1904, which actually directs the control of the customs, will also be charged with the assessing and collecting of all statutory dues and any new taxes as well. The administration of the Shereefian domains will also have to be entrusted to a service of the domain under the authority of the commission.

With regard to the administration of these revenues, the actual attributions and powers of the French delegate and of the Moroccan delegate must be confirmed and extended by seeking the means wherewith to remove all obstacles and to facilitate in the largest measure the performance of their mission.

While thus respecting the wishes of the Makhzen regarding his sovereign authority, it will be necessary to reserve exclusively to the French delegate all administrative powers necessary for him to insure the regularity of the administration of these revenues and to enable him to fully secure the bondholders and the French Government.

It is urgent that these propositions be accepted, for the financial situation of the Makhzen grows worse every passing day, and, a few months hence, indispensable co-operation might no longer be at his disposal.

Note transmitted to the Department by the Ambassadors of His Shereefian Majesty.

Note containing the answers made by His Shereefian Majesty to the three questions propounded hereinafter.

Concerning Casablanca. The Government of the Republic having declared that the evacuation of Casablanca and of Chaouya could not take place simultaneously, although this government has acknowledged that the questions (treaties) are the object of a single agreement, and that the agreement reached at Fez refers to the evacuation (of Casablanca and of Chaouya), the Makhzen subscribes (to the declaration of the French Government). His Shereefian Majesty in effect desires to maintain with the Government of the Republic friendly relations on conditions apt to bring about the understanding, and to facilitate the relations (between the two governments). His Shereefian Majesty has, likewise, great confidence in the good intentions of the French Government, and in the declarations it has professed to grant (to the Makhzen) every facility, and to lend him its support in these and in other questions. And because the evacuation of Casablanca has been postponed, the Makhzen is firmly convinced that the Government of the Republic will keep its promises, and that, without doubt it will considerably reduce the number of effective troops at Casablanca, according to an agreement which will be reached to that effect in order to prevent any agitation in the minds of the people when they shall realize that the evacuation (of Chaouya and Casablanca) has been disunited. The French Government, on the other hand, gives its formal assurance, that when the Makhzenian force shall have been organized in Chaouya, and it shall have been established that order can be maintained thanks to this force, the evacuation of Casablanca will then proceed without the necessity of any new negotiations.

Nevertheless this period would be limited to a certain date, for the Makhzen is capable of maintaining order in Chaouya as soon as the Shereefian force will be installed: And this rests with him (*sic*).

The frontier question. The Government of the Republic wishes to associate the two High Commissioners (in their attributions): this association bears reciprocal help and assistance; although such action, as is well understood, constitutes meddling with the affairs of an empire whose independence is recognized, and may, besides provoke some agitation among the people as soon as they shall have knowledge of the fact, whilst on the other hand, the efforts of the Government of the Republic are bent only upon the realization of the internal welfare of this empire and upon all matters that contribute to the present and future prosperity of the two countries; despite all these considerations we subscribe (to the demand of the French Government), with the observation that the French Government will agree that this association shall be provisional, and limited to a certain date upon which it will be necessary to reach an agreement with our Shereefian embassy.

Question of the loan. The Government of the Republic having promised to extend its good offices in this matter, and the Makhzen having consented to postpone the evacuation of Casablanca by reason of the considerations referred to above, although this latter question is part of the financial question in connection with the military expenses, a consideration which could not but induce the French Government to still further extend all desired facilities, the Makhzen subscribes to this loan resting his act of doing so upon the promise made by the French Government to extend its good offices, and also upon the considerations expressed by it in conformity with its friendly declaration. With regard to the debts of private persons and all military expenses, the present Makhzen, though he be under no obligation to assume any responsibility and has not discussed these expenses, yet he subscribes (to these demands). He consents (to give) as pledge thirty per cent of the customs revenues together with the tobacco-monopoly revenue and one-half of the urban taxes in the harbors.

Regarding the harbor *moustafaçat*, the tobacco-monopoly constitutes their most important revenue; as to the remainder, consisting in the gate dues, an infinitesimal revenue, it is best not to include this in the pledge.

Regarding the Shereefian domains, they are nil at the present time, for, they are largely in the hands of foreigners and others; and the regulation according to which they are to be administered, and referred to in the

Algeciras Act, has not yet been formulated. On the other hand, the Makhzen has declared renunciation to the three annual million francs stipulated (in his favor); moreover, the French minister had promised that the French Government would not demand any guarantee for the military expenses; under these conditions, the Makhzen has the firm hope that the French Government, by reason of the friendly and neighborly relations, will consent to limit the pledges to be offered to the revenues indicated above in acknowledgment of the facilities granted by the Makhzen on his part. It can not be doubted that, under the circumstances, the kindly sentiments of the French Government will become evident, and also in regard to the maintenance of the customs administration in its present state, without extending in the slightest manner its present foreign control, so that the former control may be continued in its future operation.

Question of protection (connected with the financial question). Since by virtue of the constitution of the guarantee indicated above the financial resources of the Makhzen will be extremely reduced, and because on the other hand, the friendly and neighborly government is not uninformed with regard to the extent of the abuses committed toward the Makhzen in the matter of persons to be protected, abuses that derive from the fact that the treaties established in this respect are no longer observed; and since continuation of such a state of things acts to the prejudice of the Makhzen, it being especially recognized that the internal public interest of the empire can not help demanding the institution of general taxes; under these conditions the Makhzen desires that the question of protection be restored to the proportion established by the treaties. The collection of taxes (to be established) shall be effected in the same manner as for all other existing taxes, on a basis of equality and without any prejudice whatever. It is not to be doubted that the advantages deriving from Morocco accrue equally to the benefit of the natives and foreigners; therefore, no favor shall be shown neither to natives nor to foreigners in paying the taxes in question. This demand constitutes one of the facilities of detail promised and bearing upon the main question.

May the thought of the French Government ever continue to manifest itself in behalf of all that will contribute to the success, to the prosperity, and to the hopes of the two parties.

2nd Hejja 1327 (December 15, 1909).

ANNEX.

*Note transmitted to the Moroccan Embassy.**December 21, 1909.*

The Government of the Republic has acquainted itself with the answer of the Moroccan Government communicated through the Shereefian Embassy, the 15th of the present month.

Regarding Chaouya and Casablanca, it is agreeable to know that the Makhzen has approved the propositions formulated in the note of the French Government, dated ult. Aug. 14; these propositions corresponded by anticipation to the various observations which have just been presented through the embassy.

Regarding the frontier question, the Government of the Republic considers likewise that the agreement has been reached with the Makhzen upon the terms of the French communication of August 14. It acknowledges that the powers of the frontier commission, charged with the direction to enforce the régime stipulated in prior agreements, may become the object of a new examination, but only after this régime shall have been fully realized in a manner that will meet the common interests of the two governments.

Regarding the loan, the decisions reached by the Government of the Republic in respect to the liquidation of the debts of the Makhzen may be summed up as follows:

1st. Integral appropriation to this liquidation of all the guarantees indicated in the note of August 14.

2d. Conveyance to the present Service of Customs Control of necessary administrative powers to enable it to obtain the best possible results from all the revenues pledged, and in this way to assure the regular administration of the resources which shall guarantee the debt of the Makhzen; a regulation, preliminary to the discussion of the loan contract shall be established between the Shereefian Embassy and the Service of Customs Control to determine these powers, with special reference to the control of assessing and of collecting dues, and the administration of the Shereefian domains.

3d. Appropriation of the product of the revenues pledged after deduction of the 1904 loan obligations, to the placing of a new loan, 1910, of approximately 80 million francs and to the refunding of the French military expenses. After meeting the obligations of the two loans, one-half of the remaining available amount shall be deposited as a reserve

in the Moroccan State Bank, at the service of the French Government to guarantee the regular payment of the annuities due to France, while the other half will be at the disposal of the Makhzen.

4th. Frontier regional expenses shall be provided for by local resources which will be placed to a special account; an annual budget shall be established. In case tax collections should not suffice to pay the police, the deficiency would be levied on the general available resources of the Makhzen.

The Shereefian embassy having informed the Government of the Republic of the interest which the Moroccan Government takes in the strict enforcement of the conventions relative to the régime of persons to be protected, the French Government declares that it is ready to lend its assistance to the Makhzen to assure the regular enforcement of the treaties as soon as its claims presented regarding damages caused to its citizens shall have been satisfied. It expects that formal instructions and sufficient power will be given to the representative of the Sultan at Tangiers to settle all these questions according to the demands of the French legation.

[Translation.]

*His Shereefian Majesty's Ambassadors at Paris to M. Stephen Pichon,
Minister of Foreign Affairs.*

The Shereefian Makhzen having given his adherence to the principles enunciated in the French note of ult. August 14, we declare to your excellency that we accept these principles; also, we are ready, in conjunction with the French Government to examine at once the *minutiae* of execution, in order to reach a definitive settlement, which we shall sign *ad referendum* when the supplementary agreement shall have been reached.

As to the financial question in regard to which we have received from the French Government a complementary note dated curr. December 25, to the principles of which we likewise give our approval, we declare that the Makhzen renounces the offer of an annual allowance of three million francs, which had been stipulated in his behalf by the project of the Minister of Finance.

Regarding the ten per cent question, a matter which is not settled, we are hoping that it may be ruled as follows: although quite evident that the guarantee comprises the totality of customs revenues, the Makhzen hopes that in accordance with the loan of 1904, the French Government

may be willing to reserve the ten per cent to meet the expenses of the customs administration; for, the Makhzen knows that the proposed guarantees are sufficient; and it is understood that if these guarantees were not sufficient to pay the annuities indicated below, the ten per cent should not be included in the guarantee.

Regarding the new taxes which the Makhzen might establish in the harbors, their product would be deposited in the Shereefian treasury and would be included neither in the guarantees, nor in the control.

Regarding the payment of the annuities, when the obligations of the 1904 loan shall have been assured, the obligations of the contemplated 1910 loan must likewise be assured; next the amount of the annuity resulting from the military expenses necessitated by the occupation of Chaouya, Casablanca, and Oudjda shall be paid; on the surplus shall be levied the amount of the expenses referring to the pay of the force that the Makhzen will organize in Chaouya, as long as these expenses are incurred. The remainder shall be at the exclusive disposal of the Shereefian Government.

We express the wish that the *minutiae* which have been the object of an understanding with M. Georges Louis, Political Director, and M. Regnault, and which refer to the questions handled by the embassy, will receive consideration in all future conversations, in conformity with the promise made to us yesterday.

May you continue in prosperity and in happiness, and may the French Government continue to favor all that will contribute to the welfare and to the realization of the desires of the two countries!

The first Hejja 1327, corresponding to December 25, 1909.

EL HADJ MOHAMMED EL MOKRI.
ABDALLAH EL FASI.

ARRANGEMENT BETWEEN FRANCE AND MOROCCO WITH A VIEW OF ENDING
THE DIFFICULTIES PENDING BETWEEN THE TWO COUNTRIES.¹

Signed at Paris, March 4, 1910.

Agreement entered into between His Excellency M. Pichon, Minister of Foreign Affairs, and the Ambassadors of His Shereefian Majesty their excellencies El Hadj Mohammed ben Abdessalam el Mokri, Minister of

¹ Diplomatic documents, 1910. Moroccan Affairs V. Paris, 1910; Nouveau Recueil Général de Traités, 3d S., IV, 3, p. 680.

Finance, and Si Abdallah el Fasi, Deputy in the ministry of foreign affairs of the Makhzen.

The Government of the Republic and the Shereefian Government, having reached an agreement relative to the supplementary dispositions referred to in the provisional arrangements of Fez, have definitively agreed upon the following stipulations for the purpose of terminating the difficulties pending between France and Morocco:

I.

Agreement relative to Chaouya.

ARTICLE 1.

It is agreed that the army of occupation shall completely evacuate Chaouya when the Makhzen will have brought into this region a Moroccan force of 1,500 men, organized and trained, under the direction of the French military mission in conditions analogous to those of the harbor police, and capable of maintaining in the province the safety of persons and of property, as well as of all commercial transactions.

When this force is located in Chaouya, the troops shall then evacuate the posts which they are occupying in the interior and be returned to their quarters at Casablanca.

ARTICLE 2.

His Shereefian Majesty has pledged himself to retain the present caïds of Chaouya in their respective positions as long as their conduct will be satisfactory. Also, he has promised to resort to no reprisals against private individuals because of their attitude.

Written orders to this effect agreed upon between the French legation and the Makhzen shall be delivered to the native authorities of Chaouya immediately upon the arrival of His Shereefian Majesty at Rabat.

ARTICLE 3.

The Makhzen shall take possession of all installations created by the army of occupation in Chaouya and Casablanca such as telegraph, bridges, railways, and in general, all constructions erected during the period of occupation; these installations are to be maintained and exploited under the authority of the Makhzen. The Makhzen shall charge the engineer who directs the Shereefian administration of wireless telegraphy with the direction of wire telegraphy, and with their exploitation on the account of and under the authority of the Shereefian Government. The

cost of these improvements shall be included in the occupation expense bill. The Makhzen shall state an annual sum which will be payable at the State Bank, and this failing shall be levied through the offices of the caliphate of the Sultan at Casablanca upon market licenses indicated under Article 4, and applied to the maintenance of said works under the authority of this functionary.

The expenditures occasioned under this clause shall be met through the offices of the Amin El Moustafad of this city after having been estimated by the Direction of Public Works at Tangiers; the report and vouchers of these expenditures shall be forwarded to the Makhzen.

ARTICLE 4.

The collection of imposts, gate duties and other municipal taxes of Casablanca shall proceed as heretofore, until the Makhzen organizes municipalities in the harbors with reservation of rights already pledged for the service of the liquidation loan.

The taxes and imposts of Chaouya will continue to be collected for the account of the Makhzen; but the use to which they will be put shall be regulated by a letter from the Minister of Finance of His Shereefian Majesty addressed to the French Government.

ARTICLE 5.

The fine of two and a half million francs imposed upon the Chaouya tribes because of their attitude during the events at Casablanca and approved by them, shall be collected by the caïds and *oumana*, or by any other functionary designated by the Makhzen according to the usage prevailing with them in regard to the apportioning of the *zekiat* and *achour*.

ARTICLE 6.

The French Government has declared that so far as it is concerned it would not object to levying the amount of this fine on brokers, if such collection were extended to cover the brokers of the other nations as well. The two and a half million above mentioned shall be paid by the tribes in question; they shall be applied to the enlargement of the construction works in the harbor of Casablanca after the contract relative to this enlargement shall have been concluded between the Makhzen and the French company, "The Moroccan Company," in conformity with the plan that will be presented by the construction engineer of the Makhzen for the approval of His Shereefian Majesty.

ARTICLE 7.

The native tribal infantry and cavalry troops organized in Chaouya to the effective number of 1,200 men will provisionally maintain their organization until such time as the Makhzen will be able to locate in Chaouya the Moroccan force referred to in Article 1; these troops shall then be returned to the Makhzen, accompanied by a sufficient number of instructors to be at the disposal of the chief of the French military mission.

His Majesty shall, for a period of one month at the longest, beginning with the day of their arrival, continue to pay to these troops the amount fixed by the decision of the army of occupation.

At the expiration of this period the pay of these troops shall be restored to an amount corresponding to the pay of the Shereefian troops. Those of the troops who may not wish to remain in the service at this Makhzenian pay shall be free to resign, and it shall be the duty of the Makhzen to compel their respective tribes to provide an equal number of new recruits.

ARTICLE 8.

The Shereefian Government declares that it agrees to pay the war costs occasioned by the French military occupation in the Moroccan Empire; a special agreement shall be reached regarding the manner in which these expenses shall be paid.

ARTICLE 9.

The costs referred to shall extend to January 1, 1910, corresponding to the 19th hedja, 1327.

ARTICLE 10.

The Government of the Republic has never considered the city of Casablanca other than Moroccan territory and has no intention of occupying the same permanently. It will withdraw its troops therefrom when it shall have been convinced that the organization specified for Chaouya is able to assure efficient order within its borders and when sufficient guarantees shall have been given to it by the Makhzen relative to the refunding of the military expenditures mentioned in Article 8, and for the payment of indemnities to the victims of the Casablanca troubles; also, the Makhzen pledges himself to furnish every necessary guarantee:

a) Relative to the Sheik Mal-el-Aïnin and the enemies of France in the Sahara. The Shereefian Government shall be obliged to make it im-

possible for these agitators to receive encouragement and assistance through money, weapons and ammunition; it shall address letters, copies of which shall be sent to the French legation, to the authorities of the Sous and of the Oued Noun to make it incumbent upon them to repress the smuggling of weapons into these regions.

b) The Shereefian Government shall address to the local authorities formal instructions regarding the integral application of Article 60 of the Algéciras Act (right of foreigners to own real estate).

II.

Agreement relative to the Frontier Region.

ARTICLE 1.

The two governments declare first of all that the régime to be realized in the frontier region reposes upon arrangements previously entered into between them in regard to this subject and supplemented by the following dispositions:

ARTICLE 2.

The French Government declares that it will withdraw its troops under the conditions hereafter indicated from Oudjda, Beni-Snassen, Bou Anane and Bou Denib, all places which it was led to occupy in Moroccan territory for reasons well understood.

Are maintained in their present status all other places actually occupied in the frontier region, situated in the territory common to the Doui-Menia and the Oulad-Djerir, who have accepted the jurisdiction of the general government of Algeria; also the post of Ras-el-Aïn of the Beni-Mather, named Berguent, in Moroccan territory, these posts being necessary to the protection of the Algerian frontier. Nevertheless, to terminate all misunderstanding in regard to this matter, the French Government will pay to the Shereefian Government an indemnity to be subsequently determined by mutual agreement.

ARTICLE 3.

The Makhzen shall designate a Shereefian High Commissioner in order to reach an understanding with the French High Commissioner with a view of enforcing the agreements of 1901 and 1902. •

ARTICLE 4.

The Shereefian High Commissioner shall receive without delay the powers necessary to the execution of his attributions, especially the right

to propose, after a preliminary understanding with the French High Commissioner, the appointment and the removal of the caïds and other Moroccan functionaries.

ARTICLE 5.

When the régime intended by prior agreements shall have been fully realized and in a manner responding to the common interests of the two governments, and when the French troops, in accordance with the conditions before stated, shall have been withdrawn from the regions which they occupy, the attributions of the French and the Shereefian High Commissioners are determined by Article 3 of the present agreement.

ARTICLE 6.

The number of French troops stationed in the frontier region shall be reduced in proportion to the increase of the effective force of the Makhzenian police, which is to be organized on the basis indicated in Article 9. When this Makhzenian troop shall have reached the number of 2,000 effective men, the number indicated in Article 1 of the treaty of 1844, and when it shall have been deemed capable of enforcing the agreements mentioned in Article 5, capable of maintaining security and of facilitating commercial transactions, in short, capable of insuring the collection of imposts and other taxes, the French troops shall then be returned to the Algerian side of the frontier line.

ARTICLE 7.

The market taxes and the dues mentioned in the agreements shall be collected according to the tariffs specified, and the imposts *zékiat* and *achour*, according to the rules in usage in the Shereefian Empire; these collections shall be made through the medium of the *oumana* and of the advisers of the Makhzen, with the assistance of a French official during the period of occupation.

Regarding the administrative expenses of the territory occupied, such as compensation for the *oumana* and others, they shall be levied upon the receipts stated above; all the details of these matters shall be entered into a special account, which must be sent to the Makhzen; any surplus shall be paid into the Shereefian treasury.

ARTICLE 8.

Improvements introduced by the army of occupation at Oudjda and among the Beni Snassen shall be conveyed to the Makhzen under the

conditions indicated in the agreement relative to Chaouya. The amount will be included in the occupation expense account.

ARTICLE 9.

The Makhzenian force referred to in Article 6 shall be organized on the following basis: It shall be composed of Moroccan Mussulman soldiers, recruited through enlistments, trained and commanded by a sufficient number of French and Algerian officers and sub-officers; it shall have a list of Moroccan officers. It shall be self-governing and placed under the authority of a French commandant, approved by the Makhzen; and the commandant shall be under the immediate authority of the French and Shereefian High Commissioners. It shall be paid from the receipts of the imposts from the tribes of the frontier region and from the taxes and dues stipulated in the agreements.

ARTICLE 10.

With regard to Bou Denib and Bou Anane, the French Government is willing to vacate these posts without waiting until the Makhzen shall have located there an organized force, but on the condition that the freedom of commercial relations and the security of caravans be sufficiently assured. To this end the Makhzen shall order his caliphate at Taflelt to attend to the security of caravans that might pass between the *ksours* (fortified places) of the Taflelt and the posts of Bou-Denib and Bou Anane; for this purpose there shall be organized escorts to accompany the caravans, and at the head of each escort there shall be a Moroccan chief designated by the caliphate of the Sultan at Taflelt. In addition, if possible, caravansaries shall be built in which posts of native guards shall be installed. Lastly, the authorities of the contiguous regions are obligated to establish regular official relations.

As soon as this system shall operate in a satisfactory manner the number of French troops will be gradually decreased and returned to Algeria.

Special precautions shall be taken by the Makhzen that the property rights of Algerians residing in Morocco may proceed without hindrance, in conformity with Article 6 of the agreement of July 20, 1901.

III.

Agreement relative to the Financial Question.

The financial question shall be settled according to the dispositions of the note transmitted to the Shereefian Embassy, ult. August 14, in con-

junction with the modifications contained in the supplementary note transmitted to the embassy, December 21, and with the reservation of the conditions formulated in the letter of the ambassadors of the Shereefian Government to the Minister of Foreign Affairs, dated December 25.

Done at Paris, in duplicate form, March 4, 1910, corresponding to the 21st safar, 1328.

(L. S.) S. PICHON.

God be praised. The present agreement, including the Chaouya and Casablanca question, the frontier region question and the basis relative to the financial question, having been ratified by His Shereefian Majesty according to his letter to his ambassadors, dated the 27th Moharrem, 1328, corresponding to February 8, 1910, we give to it our definite signature.

EL HADJ MOHAMMED BEN ABDESSELAM EL MOKRI.
SI ABDALLAH EL FASI.

REGULATIONS ADOPTED BY GERMANY, AUSTRIA-HUNGARY, BELGIUM, SPAIN,
UNITED STATES OF AMERICA, FRANCE, GREAT BRITAIN, ITALY,
MOROCCO, THE NETHERLANDS, PORTUGAL, RUSSIA, SWEDEN, RELATIVE
TO THE COMMISSION OF FOREIGN CLAIMS.

*Adopted at Tangiers by the Diplomatic Corps, at its meeting of April
25, 1910.¹*

ARTICLE 1.

The Shereefian commission charged with the verification of the debts of the Makhzen, actually organized under the presidency of the representative of the Sultan, shall receive from His Majesty plenary powers to settle definitely all the foreign claims formulated against the Makhzen for engagements or facts prior to June 30, 1909. For this purpose the number of its members shall be increased from 2 to 10.

ARTICLE 2.

This commission is to be divided into four sub-commissions of two members each; the remaining two delegates will be called upon to take

¹ Diplomatic documents, 1910. Moroccan Affairs V. Paris, 1910, p. 376. N. R. G., *id.*, p. 702.

the places of those members of the sub-commissions prevented from sitting in the course of the labors.

ARTICLE 3

Each sub-commission shall take up the examination and the settling of the claims of a group of nationalities, according to an apportionment which shall be made by the diplomatic corps.

ARTICLE 4

The commission charged with the verification of the Makhzenian debts shall transmit to the respective sub-commissions the papers of all the matters included in the category specified under Article 1, and of which it was possessed up to the day of the beginning of the labors of the new commission.

On the other hand, the respective legations shall, before this date and separately, send to the president of the new commission a complete list of the claims submitted by it to the present procedure.

The legations shall, however, be granted a delay of thirty days beginning with the pre-cited date, to send to the president one or several complementary lists of claims to cover omissions that they may have ascertained.

ARTICLE 5

Each sub-commission shall examine the claims within its jurisdiction in the order indicated to it by the delegate of the legation interested; this delegate shall be present at all the sessions; his duty shall be to see to it that the examination of the matters proceed with regularity.

The claim-holders shall be required to be present at the hearing in person or send a special representative. The judgment rendered in this manner shall be signified to the claim-holder through his legation in the prescribed administrative form, either by registered letter if he reside abroad, or through the intermediary of the interested consular authority, if he reside in Morocco. The claim-holder may appeal the judgment to the arbitration commission within a period of forty days, by depositing the amount of arbitration costs as specified in Articles 18 and 20. This period of forty days shall begin on the day the claim-holder shall have received such notification.

ARTICLE 7.

The claims shall be heard in accordance with local usage, and without resorting to the application of the rules of procedure of the foreign legations.

ARTICLE 8.

The case having been heard, the sub-commission shall then deliberate upon the matter in the presence of the delegate of the legation and render a decision in writing stating the fact of adjudication.

ARTICLE 9.

This decision, however, shall not become final and definitive until it shall have been communicated, within eight days, by the delegate of the legation, to the claim-holder and expressly accepted by him or by his representative. In this case the delegation shall deliver to the interested party a document authenticating the judgment rendered.

ARTICLE 10.

The claim-holder who will not accept such a decision shall have the privilege to appeal from it, within a period of two weeks to an arbitration commission composed of two members, one appointed by the representative of the Sultan at Tangiers, the other by the legation interested. In case of disagreement relative to the judgment to be rendered by the two arbitrators, then these two arbitrators shall agree upon a third arbitrator with whose help they shall bring the matter to conclusion.

ARTICLE 11.

If the designation of the third arbitrator can not be effected in the manner specified, the selection shall then devolve upon the diplomatic corps.

ARTICLE 12.

The arbitral decision shall be signified to the Makhzen in the person of the representative of the Sultan at Tangiers and through the offices of the legation interested, which, in turn, shall deliver to the claim-holder a document stating the agreement reached.

ARTICLE 13.

A period of four months shall be granted to each sub-commission for settling the matters within its jurisdiction. This period passed, all matters left unadjudicated shall be *de plano* referred to the arbitral commission stated under Article 10, whose duty it shall be to adjudicate them within a period of three months.

ARTICLE 14.

Upon the completion of the labors of the commission, the latter shall convey definitive titles to the titularies of the adjudicated claims.

ARTICLE 15.

As regards titularies of net book-debts resulting from a contract made in due form or from an account regularly entered into with the Makhzen, they shall appear in accordance with the conditions indicated under Article 5, before the sub-commission charged with the affairs of their nationality, and this sub-commission shall register their holdings and deliver to them a definitive title.

ARTICLE 16.

If the sub-commission refuses to receive a holding of this kind, the matter shall be referred to an arbitral commission comprising: a Shereefian delegate appointed by the representative of the Sultan at Tangiers, a delegate of the legation interested, and a delegate of the State Bank. The judgment of this commission shall not be appealable.

ARTICLE 17.

Each arbitrator shall receive as his honorarium a certain per centum of the amount of the formulated claim; this honorarium for each arbitrator shall never be more than 2,000 francs, nor less than 50 francs.

Each legation shall establish for its representatives a uniform tariff, keeping in mind the limitation indicated above.

ARTICLE 18.

The amount of the honorarium for the three arbitrators shall be advanced by the claim-holder and be borne by the defeated party. In case of a judgment against the Makhzen the amount allowed the claim-holder by the arbitrators shall be added to the amount of said honorarium.

But the arbitrators shall have the power to balance the arbitration costs in whole or in part, if the Makhzen and the claim-holder are each defeated under certain principals.

ARTICLE 19.

In case a claim should be settled by the arbitral commission without the intervention of a third arbitrator, the claim-holder shall recover the sum advanced by him as honorarium of the latter.

ARTICLE 20.

The amount of the honorarium of the arbitrators must be deposited by the claim-holder in the State Bank for that special purpose, before arbitration begins.

ARTICLE 21.

Regarding claims whose titularies shall have failed to make the required deposit, and claims which, nevertheless, are referred to the arbitral commission by virtue of the dispositions under Article 13, a delay of forty days shall be granted to the persons interested within which to effect the deposit of arbitration costs stated under Article 20.

ARTICLE 22.

The legations interested shall make all due haste for the convenient organization of the arbitral commissions indicated in Articles 10 and 16.

These commissions shall operate conjointly with the sub-commissions and adjudicate without delay, as they may be referred to them, matters within their jurisdiction.

ARTICLE 23.

Claim-holders who have benefited either by definitive decisions of the sub-commissions, or by judgments of the arbitral commissions referred to in Article 10, shall be put in possession of the amount allowed them upon the expiration of a period of seven months granted the commission of foreign claims for the settling of all matters (Art. 13). These payments shall be realized from the funds of the loan and in the form adopted for the payment of the Casablanca indemnities.

Regarding claim-holders whose affairs might not have been adjudicated by the arbitral commissions within the period determined by Article 13, they may obtain payment of the amounts that have been allowed them either from the unexpended balance of the loan or from the general available resources of the Makhzen.

ARTICLE 24.

Regarding claim-holders of the class indicated under Article 15 and to whom may have been delivered definitive titles, they shall be put in possession of the amount of their credit through the intermediary of the legations interested, as soon as the Makhzen shall be able to dispose of the funds of the loan.

ARTICLE 25.

Upon the settlement of all claims mentioned under Article 1, the commission, according to the same procedure may undertake the examina-

tion and adjudication of claims relative to engagements or acts that may have taken place between June 30, 1909, and the date of the beginning of its labors.

But the amount of the sums allowed to claim-holders of this class shall not be levied on the funds derived from the loan.

TANGIERS, *April 25*, 1910.

CONVENTION BETWEEN SPAIN AND MOROCCO.

November 16, 1910.

[Translation.]

The Minister of State of His Catholic Majesty and the Minister of Foreign Affairs, Treasury and Public Works of His Shereefian Majesty, duly empowered, agree upon the following stipulations, with the object of bringing to an end the difficulties created in the regions adjoining the Spanish fortresses, and also of facilitating and insuring the observance of the treaties as regards order, tranquility and development of commercial intercourse in the said regions:

I.

Both governments consider, in the first place, that the régime to be established in practice is based on the agreements heretofore concluded between them in this respect, which agreements are completed by the provisions hereinbelow set forth:

Provisions relative to the occupied part of the Riff and the population of Alhucemas and Peñon de Vélez.

II.

The Maghzen will vest the Pasha of the Melilla camp, referred to in Article 5 of the Convention of March 5, 1894, with the office of High Commissioner to concert with a Spanish High Commissioner for the purpose of carrying out the Conventions of 1894 and 1895 between the two countries. The Shereefian High Commissioner shall be furnished without delay with all the powers necessary for the discharge of his duties and especially with the powers of recommending, on previous

agreement with the Spanish High Commissioner, the appointment and replacement of the caids and other Moorish officials in the occupied region and of the tribes of Temsaman, Beni Urriaguel and Bokkoia. If it should be shown by experience that this power should be enlarged so as to include the Beni-Itteft tribe, it shall be so done on the joint agreement of the two countries. Upon the full establishment of the régime described in the conventions in a manner subservient to the common interests of both governments and the territory once evacuated by the Spanish troops under the conditions hereinafter stated, the powers and duties of the Spanish and Shereefian High Commissioners shall be determined by the first paragraph of this article.

III.

In order to meet the new exigencies, the Shereefian force provided by the treaties shall be increased to one thousand two hundred and fifty men: it will be organized with the assistance of Spanish instructors in accordance with the Harbor Police Regulations; the officers of all grades shall be Moroccans; it shall be autonomous; it shall be directly under the control of the Spanish and Moorish High Commissioners who will communicate their decisions through the proper Spanish instructor and at the same time make them known to the Moorish authorities; the salaries will be paid out of the proceeds of the Melilla custom house and the taxes and imposts on the tribes of the regions designated in the foregoing article. The organization shall be perfected in the occupied territory. As soon as the first contingent of 200 men shall have been organized it shall be sent to the Allucemas district and another to the Peñon district as soon as completed. In the proportion of the increase of the remainder of the Maghzen's police force, organized in accordance with the principles above indicated, the Spanish troops now occupying part of the Riff will be gradually reduced. When the said Maghzen's force reaches the above stated number of 1,250 men and when it is deemed capable of enforcing the agreements between the two countries, insuring safety and promoting commercial transactions, and finally, of securing the collection of the taxes and imposts, the Spanish troops shall withdraw within the limits of the Spanish territory.

IV.

The budget of the police above referred to shall be drawn up, jointly, by the two High Commissioners and submitted to the approval of His Shereefian Majesty.

The Government of His Catholic Majesty will defray the first costs of organization of the police and such others as its maintenance may involve, in accordance with the budget, until the collection of the revenues provided by the following articles shall have begun, provided that the aggregate amount it may be necessary to advance shall not exceed one million pesetas. These costs shall be reimbursed to the Spanish Government within thirteen years out of the proceeds of the customs in the Melilla district, as follows:

During the first three years the Maghzen shall only pay interest at the rate of 3 per cent. per annum payable at the expiration of every half year; in every one of the next ten years it shall pay, over and above the three per cent. annual interest, a sum of one hundred thousand pesetas. The debt here considered shall have preference over any other, as regards the proceeds of the said custom house.

V.

His Shereefian Majesty shall reopen the custom house in the Melilla district. The guard houses forming the custom's line shall be placed as jointly decided by the Spanish and Moorish High Commissioners and the duties there collected shall not be different from or higher than those collected at any part of the boundary line of the empire.

The Government of His Catholic Majesty will place at the disposal of His Moroccan Majesty an employé of the Spanish trained corps of customs for the purpose of supervising the appraisements of merchandise, collection of duties, keeping of accounts, &c &c. He will be appointed by the two High Commissioners and his appointment will be made known to the Maghzen. The *umanas* and *adules* will be appointed and removed by His Shereefian Majesty. A list of four names for each appointment agreed to by the Spanish Commissioner, will be submitted to him by the Moorish High Commissioner. These officers as well as the Spanish Supervisor shall be paid their salaries out of the proceeds of the custom house.

VI.

For the promotion of the prosperity of the region as well as for the purpose referred to in Article III of the present agreement, encouragement shall be extended to the establishment of markets at such places in the regions mentioned in Article II as the High Commissioners may deem suitable, and there shall be collected such fees as they may agree upon. The *zekiat* and *achur* taxes shall be levied under the rules applied in the Shereefian Empire.

The collection of the Maghzen's taxes and revenues shall be effected by the *umanas* and *caids* assisted by a Spanish official as long as the evacuation shall not be completed. As regards the costs of administration of the territory, as well as the salaries of the Shereefian High Commissioner, *umanas* and others, they shall be paid out of the said revenues. The aggregate shall be entered in an account which shall be sent to the Maghzen and the surplus shall be turned into the Shereefian Treasury.

Provisions relative to the Ceuta district.

VII.

The Government of His Shereefian Majesty, in consideration of the relations of neighborly friendship between the two countries, covenants with the Government of His Catholic Majesty, that it will not erect fortifications, mount artillery, construct strategic buildings or works, or station forces in any place where it may constitute a danger or menace to Ceuta, and also to prevent others from so doing.

VIII.

The caid referred to in the last paragraph of Article 4 of the Convention of March 5, 1894, shall be appointed in the manner established by Article 5 of the same instrument concerning the pasha of the Melilla camp, that is to say:

The appointment shall go to him whose special qualifications offer sufficient guaranty for the maintenance of the relations of good understanding and friendship with the authorities of the fortress and camp of Ceuta. The Moorish Government shall give previous notice of his appointment or removal to the Government of His Catholic Majesty. The said caid may, in agreement with the Governor of Ceuta, pass himself upon exclusively local cases or complaints and, if the two authorities should disagree, the decision shall be referred to the representatives of the two nations at Tangier, except those cases whose importance may demand the direct intervention of both governments.

The aforesaid caid shall only rule over that section of the border region of Ceuta which is comprised between the neutral zone on one side and the Rmel and Lit rivers, a line drawn from the Cudia of Ain Xixa to that of Ain Yir, the Telata market road until it meets the Laimund river and the said river, which is given the names of Mufak, Menizla and Fenidak, to its mouth on the other. The line is shown in blue ink on the map appended to this agreement.

IX.

The force provided for in the last paragraph of Article 8 of the Convention of March 5, 1894, shall number two hundred and fifty men under the command of the caid above mentioned. The caid shall decide as to the distribution of the force. In order to promote the organization of that force destined to secure order, tranquility and free commercial transactions in the region placed under the administration of the said caid, His Catholic Majesty's Government will place at the disposal of His Shereefian Majesty a captain, one lieutenant and four sergeants whose designation shall be submitted to the Sultan's approval. A contract between the said officers and sergeants and the Maghzen, in terms similar to those laid down in Article 4 of the Act of Algeciras, shall determine the conditions of the engagement of the said officers and sergeants and fix their salaries which cannot be less than twice the amount received by them in their country. His Catholic Majesty's Government reserves the right of replacing the said officers and sergeants with others, subject to His Shereefian Majesty's approval and under contracts containing the same conditions. The powers of the Spanish officers and sergeants shall be as set forth in Article 4 of the Act of Algeciras.

X.

The budget of the force above mentioned shall be prepared by the Maghzen and modeled after that in use for the Riff. The million pesetas referred to in Article 4 of this agreement shall be understood to include the primary cost of said force.

XI.

The Melilla custom house once opened and whenever His Catholic Majesty's Government may so request in accordance with Article 103 of the Act of Algeciras, His Shereefian Majesty shall establish on the boundary line of Ceuta and at such place as may be chosen in common accord, a custom house where the same import and export duties shall be collected as in ports. The receipts of the said custom house shall be applied, in all cases, first to the cost of its administration, the payment of the salaries of the caid mentioned in Article VIII of this agreement and of the other officials and to the maintenance of the force provided by Article IX.

In order to assist His Shereefian Majesty in organizing and properly conducting the said custom house, His Catholic Majesty's Government

will place at its disposal an employé of the Spanish trained corps of customs officers who will supervise the appraisement of merchandise, collection of duties, bookkeeping, &c, during the whole period of reimbursement of the military and naval expenses in the Riff. If the creation of the Ceuta custom house should cause a persistent decrease of the receipts of the Tetuan and Tangier custom houses whereby the interests of the holders of the bonds of the loans of 1904 and 1910 should be affected, the Maghzen, in accord with the Spanish Government and in concert with the said bond-holders, would consider whether, and to what extent, the proceeds of the said Ceuta custom house should contribute to compensate the decrease.

XII.

As long as the Ceuta custom house shall not yield an amount sufficient to maintain the force referred to in Article IX of this agreement, His Shereefian Majesty will supply the deficiency.

Provisions concerning the payment of Spain's outlay.

XIII.

In view of the financial conditions of the Moroccan Empire and in evidence of the interest it takes in its welfare, His Catholic Majesty's Government only claims sixty-five million pesetas for the military and naval expenses incurred in the Riff until the 31st of October, 1910, for the military and naval expenses incurred in connection with the events in Casablanca in 1907 and for the relief extended to the Moors and Hebrews sheltered in Melilla from 1903 to 1907. His Shereefian Majesty's Government undertakes to pay annually a sum of two million five hundred and forty-five thousand pesetas during a period of seventy-five years.

The payment, of a preferential character, is guaranteed: *first*, by fifty-five per cent. of the taxes and profits provided by the Mining Regulations referred to in Article 112 of the Act of Algeciras, accruing to the Maghzen; *second*, by the residue of the proceeds of the Ceuta custom house.

XIV.

The amount of the mining dues which, under the regulations referred to in Article 112 of the Act of Algeciras, are to be paid by the tax payers in remittances to the State Bank, shall be deposited in the Bank, but the Minister of Finance of His Shereefian Majesty shall issue instructions

to the effect that fifty-five per cent. of the Maghzen's share be entered in a special account at the disposal of His Catholic Majesty's Government, and that at no time and on no account shall the Maghzen or the State Bank be permitted to retain whole or part of the said funds. A Spanish delegate in the Moorish mining service will be allowed, without interfering in the conduct of its administration, to inspect the record of applications, concessions, transfers, forfeitures, &c, to compare it with the special account in the State Bank, and to move whoever may be concerned to take the measures authorized by the Mining Regulations for the collection of dues from taxpayers.

The said delegate will communicate to the Maghzen the names of the agents designated by His Catholic Majesty's Government to collect what is due to it out of the Maghzen's other mining dues and receipts. In order to secure the interests of the Spanish State the powers and duties of the said agents shall be determined, in common accord, by the Governments of His Catholic Majesty and of His Shereefian Majesty upon the promulgation of the Mining Regulations referred to in Article 112 of the Act of Algeciras and in accordance therewith.

If in the course of the year the proceeds of the said source of revenue should be sufficient to cover the amount of the annuity, the surplus would immediately be deposited in the State Bank at the disposal of the Maghzen.

XV.

In case the Moorish Government should agree to settle in advance its debts with the Spanish Government, in whole or in part, negotiations to that effect would be entered into by the two cabinets.

XVI.

The outlay referred to in Article XIII of this agreement does not include the million and a half pesetas, cost of the improvements made up to date in the occupied territory which are to be ceded to the Maghzen, there being no objection on its part to the amount being paid out of funds of the same nature as those referred to in the last paragraph of Article 66 of the Act of Algeciras, in regard to the Riff.

In witness whereof the undersigned have drawn up this agreement in duplicate in the Spanish and Arabic languages and have subscribed at Madrid on the sixteenth day of November of the year one thousand nine hundred and ten of the Christian era and thirteenth of Di El Kaada el Haram 1328 of the Hegira.

(Signed)

MANUEL GARCIA PRIETO.

I sign this agreement subject to the approval of the Shereefian Maghzen, both parties agreeing upon a term of two months for said approval.

(Signed) MOHAMMED EL MOKRI (whom God assist).

Act relative to the enforcement of the preceding agreement.

Met in the Palace of the Spanish embassy: His Excellency Hach Mohamed-el-Mokri, Minister of Foreign Affairs, Treasury and Public Works of His Shereefin Majesty, and the Most Excellent, Sir Don Juan Pérez Caballero, Ambassador of His Catholic Majesty to the French Republic.

His Excellency Hach Mohamed-el-Mokri declares that His Majesty, the Emperor of Morocco, has received the agreement entered into at Madrid, Nov. 16, 1910, and the 13th day of Kaada el Haram 1328, signed by the Minister of State duly authorized by His Majesty, the King of Spain, and by His Excellency Hach Mohamed-el-Mokri; informed of and acquainted with its contents, His Majesty, the Sultan has transmitted to him a Shereefian note, dated at Fez, the 20th Hoyya 1328 (December 23, 1910), by which he approves and ratifies integrally the agreement cited. Likewise, His Shereefian Majesty orders by the Shereefian note referred to communication to the honorable Spanish governor that the signature of Hach Mohamed-el-Mokri, affixed to the agreement referred to acquires, henceforth, definitive character and title.

Therefore, His Excellency Hach Mohamed-el-Mokri, in the name of his Shereefian Majesty, and in compliance with the Imperial note mentioned, and the Most Excellent, Sir D. Juan Pérez Caballero in the name of His Majesty, the King of Spain and his government, by virtue of plenary powers given at Madrid, December 19, 1910, agree and hereby declare that said agreement be accepted and ratified by the two High Contracting Parties, and carried into effect in accordance with the clauses therein contained.

Done at Paris, in duplicate form, in the two languages, Spanish and Arabian, on the 12th day of January, 1911 of the Christian era, and the 9th Moharram 1329 of the Hegira.

(Signed): JUAN PÉREZ CABALLEROS.

(Signed): MOHAMED-EL-MOKRI.

CONVENTION BETWEEN GERMANY AND FRANCE RELATIVE TO MOROCCO.

Signed at Berlin, November 4, 1911.

The Government of His Majesty the Emperor of Germany and the Government of the French Republic, in consequence of the difficulties which have arisen in Morocco, pointing to the necessity of prosecuting in the interest of all concerned the policy of pacification and of progress stipulated in the Algeciras Act, believing that it is necessary to define clearly and to complete the Franco-German agreement of February 9, 1909, they have resolved to enter into a convention to that effect.

Therefore,

M. de Kiderlen-Waechter, Secretary of State for Foreign Affairs of the German Empire, and M. Jules Cambon, Ambassador Extraordinary and Plenipotentiary of the French Republic to the Court of His Majesty the Emperor of Germany, after exchanging their full credentials and having ascertained that they were in proper and due form, have agreed upon the following dispositions:

ARTICLE 1.

The Imperial German Government declares, that seeking to foster economic interests only in Morocco, it will not interfere with the action of France for the purpose of lending her assistance to the Moroccan Government, to introduce every administrative, judicial, economic, financial and military reform necessary for the good government of the empire, and to make new regulations, and to modify existing regulations made necessary by these reforms. In consequence, it approves those measures of reorganization, of control, and of financial guarantee, which the French Government in accord with the Moroccan Government may judge to be necessary for that purpose, with the understanding that the action of France shall safeguard in Morocco economic equality between the nations.

Should France be led to accentuate and to extend her control and her protection, the Imperial German Government, leaving full liberty of action to France, with the understanding that commercial freedom, stipulated in previous treaties is to be maintained, will raise no objection whatever.

It is agreed that no curtailment of the rights and action of the Moroccan State Bank, as defined in the Algeciras Act, shall be undertaken.

ARTICLE 2.

In this relation, it is agreed that the Imperial German Government shall not object if, in accord with the Moroccan Government, France should proceed to such military occupation of the Moroccan territory as she might deem necessary to the maintenance of order and the security of commercial transactions, and enforce police action on land and over Moroccan waters.

ARTICLE 3.

If from this time, His Majesty the Sultan of Morocco should entrust to the French diplomatic and consular agents the representation and protection of Moroccan subjects and interests abroad, the Imperial German Government declares that it will not object thereto.

If on the other hand, His Majesty the Sultan of Morocco should entrust to the French representative accredited to the Moroccan Government the power to represent him before foreign representatives, the Imperial German Government will not object.

ARTICLE 4.

The French Government declares, that firmly attached to the principle of commercial liberty in Morocco, it will not countenance inequality either in the establishment of customs duties, imposts and other taxes, or in the establishment of transportation tariffs by railway, by river or other line of navigation, and especially in all matters of transit.

The French Government shall likewise use its good offices with the Moroccan Government in order to prevent differential treatment between the citizens of the different powers; it shall especially oppose any step, for instance, promulgation of administrative orders regarding weights and measures, gauging, coin stamping, etc., which might reduce the merchandise of a power to a state of inferiority.

The French Government binds itself to use its good offices with the Moroccan State Bank, to the end that the Bank will confer in rotation to the members of its directorate at Tangiers the positions of delegate of which it disposes to the commission of customs perceptions and to the permanent customs committee.

ARTICLE 5.

The French Government shall exercise vigilance to the end that in Morocco no export duty is collected on iron mineral exported through Moroccan ports. The exploitations of iron mineral shall pay no special

tax upon their output or upon their exploiting machinery. Besides a general tax, they shall pay only a fixed sum, computed upon the hectare and per annum, and a sum proportionate to the gross product of extraction. These sums, which shall be assessed according to Articles 35 and 49 of the project for mining regulations appended to the protocol of the Paris conference of June 7, 1910, are equally borne by all mining enterprises.

The French Government shall take care that mining taxes be regularly collected, and that no individual rebates upon the total or upon part of these taxes be allowed under any pretext whatever.

ARTICLE 6.

The Government of the French Republic shall exercise care so that the works and the materials necessitated by the eventual construction of highways, railways, harbors, telegraph, etc., be granted by the Moroccan Government in accordance with the rules of adjudication.

Also, it shall exercise care in seeing that the conditions of adjudication, especially relative to construction material and the time within which estimates may be submitted will not place the representatives of any power into a situation of inferiority.

The exploitation of the large enterprises referred to below shall be exclusively reserved to the Moroccan state, or unrestrictedly granted by it to third parties that may be entrusted with providing the funds necessary for that purpose.

The French Government shall exercise care to the end, that in the exploitation of railways and other means of transportation, as well as in the enforcing of regulations designed to insure such exploitations, no difference of treatment be made between the representatives of the different powers that might avail themselves of these means of transportation.

The Government of the French Republic shall use its good offices with the Moroccan State Bank in order that this Bank may confer in rotation upon the members of its directorate at Tangiers the position of delegate of which it disposes to the general commission of adjudications and contracts. Also, the French Government shall use its influence with the Moroccan Government, that during the time in which article 66 of the Algeiras Act remains in force the Moroccan Government entrust to a representative of one of the Powers represented in Morocco one of the three positions of Shereefian delegate on the special Committee of Public Works.

ARTICLE 7.

The French Government shall use its good offices with the Moroccan Government to the end, that the proprietors of mines and of other industrial or agricultural exploitations without distinction of nationality and in conformity with the regulations that are to be enacted in the spirit of French legislation relative to such matters may be authorized to construct railways of exploitation intended to connect their centers of production with railway lines of general interest or with harbors.

ARTICLE 8.

A report relative to the exploitation of Moroccan railways shall be presented annually according to the forms and conditions of reports presented before the meetings of stockholders of the French Railway Companies.

The Government of the French Republic shall entrust to one of the administrators of the Moroccan State Bank the writing of this report, which, together with all the elements on which it is based shall be communicated to the censors, and afterward made public with, if need there be, the observations which the censors may deem proper to add to the report according to their own individual information and knowledge.

ARTICLE 9.

In order to preclude as much as possible all diplomatic representations, the French Government shall use its good offices with the Moroccan Government in order that the Moroccan Government may refer for settlement to an arbitrator designated *ad hoc* in each matter for mutual agreement by the French consul and the consul of the interested power; or, in their absence by the two governments of these consuls, all complaints of foreign representatives brought against the Moroccan authorities, or against the agents acting in lieu of the Moroccan authorities, which complaints might not have been settled through the intermediary of the French consul and the consul of the government interested.

This procedure shall remain in force until such time when a judiciary system shall have been established based upon the judiciary legislative regulations of the Powers interested, and designed after agreement with these Powers to take the place of the consular tribunals.

ARTICLE 10.

The French Government shall see to it that the foreign representatives continue to enjoy fishing rights in Moroccan waters and harbors.

ARTICLE 11.

The French Government shall use its good offices with the Moroccan Government in order that the Moroccan Government may open new harbors to foreign commerce as such need for this commerce may arise.

ARTICLE 12.

To meet a request of the Moroccan Government, the two governments pledge themselves to bring about, in agreement with the other Powers and on the basis of the Madrid convention the revision of the lists and of the situation of protected foreign persons and agricultural associates in Morocco, to which Articles 8 and 13 of said convention refer.

The two governments agree also to induce the signatory Powers to proceed to all modifications of the Madrid convention, which, in due time, the change in the situation of protected foreign persons and agricultural associates might necessitate.

ARTICLE 13.

All documents of agreement, any convention, treaty or regulation contrary to the foregoing stipulations, shall be and hereby are abrogated.

ARTICLE 14.

The present agreement shall be communicated to the other Powers signatory to the Algeciras Act, with which Powers the two governments pledge themselves to mutually assist each other to obtain their approval

ARTICLE 15.

The present convention shall be ratified and ratification thereof exchanged at Paris at the earliest convenience.

Done in duplicate form at Berlin, Nov. 4, 1911.

Signed: KIDERLEN.

Signed: JULES CAMBON.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES
AND RUSSIA.¹

Concluded December 18, 1832; ratifications exchanged May 11, 1833.

In the name of the most Holy and indivisible Trinity.

The United States of America and his majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations

¹ U. S. Compilation of Treaties in Force, 1904, p. 659.

of good understanding, which have hitherto so happily subsisted between their respective states, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce, for which purpose the President of the United States has conferred full powers on James Buchanan, their envoy extraordinary and minister plenipotentiary near his imperial majesty; and his majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, his vice-chancellor, knight of the orders of Russia, and of many others &c: and the said plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Russian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other, upon the footing of the most favored nations, with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

ARTICLE III.

All kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia, in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may also, be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ARTICLE IV.

It is understood that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Russian vessels, and their cargoes, arriving in the ports of the United States of America; and reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

All kinds of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels may, also, be exported therefrom in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomina-

tion, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

ARTICLE VII.

It is expressly understood that the preceding Articles II, III, IV, V, and VI shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ARTICLE VIII.

The two contracting parties shall have the liberty of having, in their respective ports, consuls, vice-consuls, agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The consuls, vice-consuls, and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order of the tranquillity of the country; or the said consuls, vice-consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE IX.

The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime, or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE X.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country where the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country, in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants, as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death

of any person holding real estate, within the territories of one of the high contracting parties, such real estate would by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country, actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments, any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russias to prevent the emigration of his subjects.

ARTICLE XI.

If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE XII.

The present treaty, or which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias; and the ratifications shall be exchanged in the City of Washington within the space of one year, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty in duplicate and affixed thereto the seal of their arms.

Done at St. Petersburg the sixth/eighteenth December, in the year of grace, One thousand Eight hundred and thirty two.

JAMES BUCHANAN. [SEAL.]

[SEAL.] CHARLES COMTE DE NESSELRODE.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATING
TO FUR-SEALS IN BEHRING SEA.¹

*Signed at Washington, February 29, 1892; ratifications exchanged
May 7, 1892.*

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for an amicable settlement of the questions which have arisen between their respective governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a convention for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefoot, G. C. M. G., K. C. B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and concluded the following articles.

ARTICLE I.

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of

¹ U. S. Compilation of Treaties in Force, 1904, p. 352.

Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, shall be submitted to a tribunal of arbitration, to be composed of seven arbitrators, who shall be appointed in the following manner, that is to say: two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency, the President of the French Republic shall be jointly requested by the high contracting parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven arbitrators to be so named shall be jurists of distinguished reputation in their respective countries, and the selected Powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In case of the death, absence or incapacity to serve of any or either of the said arbitrators or in the event of any or either of the said arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name, or shall be requested to name forthwith another person to act as arbitrator in the place and stead of the arbitrator originally named by such head of a state.

And in the event of the refusal or omission for two months after receipt of the joint request from the high contracting parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an arbitrator, either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the high contracting parties shall agree.

ARTICLE II.

The arbitrators shall meet at Paris within twenty days after the delivery of the counter cases mentioned in Article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respec-

tively. All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies shall be delivered in duplicate to each of the arbitrators and to the agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within three months after the delivery on both sides of the printed case, either party may, in like manner deliver in duplicate to each of the said arbitrators, and to the agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within thirty days after the receipt by its agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter case, documents, correspondence and evidence, such additional time so indicated, but not exceeding sixty days beyond the three months in this article provided, shall be allowed.

If in the case submitted to the arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

ARTICLE V.

It shall be the duty of the agent of each party, within one month after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said arbitrators and to the agent of the other party a printed argument showing the points and referring to the evidence upon which his government relies, and either party may also support the same before the arbitrators by oral argument of counsel; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE VI.

In deciding the matters submitted to the arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals, frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?

ARTICLE VII.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position

that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective governments are necessary, and over what waters such regulations should extend, and to aid them in that determination the report of a joint commission to be appointed by the respective governments shall be laid before them, with such other evidence as either government may submit.

The high contracting parties furthermore agree to cooperate in securing the adhesion of other powers to such regulations.

ARTICLE VIII.

The high contracting parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon the question of the liability of either government upon the facts found to be the subject of further negotiation.

ARTICLE IX.

The high contracting parties have agreed to appoint two commissioners on the part of each government to make the joint investigation and report contemplated in the preceding Article VII, and to include the terms of the said agreement in the present convention, to the end that the joint and several reports and recommendations of said commissioners may be in due form submitted to the arbitrators should the contingency therefor arise, the said agreement is accordingly herein included as follows:

Each government shall appoint two commissioners to investigate conjointly with the commissioners of the other government all the facts having relation to seal life in Behring Sea, and the measures necessary for its proper protection and preservation.

The four commissioners shall, so far as they may be able to agree, make a joint report to each of the two governments, and they shall also

report, either jointly or severally, to each government on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the arbitrators, or it shall appear that the contingency of their being used by the arbitrators can not arise.

ARTICLE X.

Each government shall pay the expenses of its members of the joint commission in the investigation referred to in the preceding article.

ARTICLE XI.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The decision shall be in duplicate, one copy thereof shall be delivered to the agent of the United States for his government, and the other copy shall be delivered to the agent of Great Britain for his government.

ARTICLE XII.

Each government shall pay its own agent and provide for the proper remuneration of the counsel employed by it and of the arbitrators appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two governments in equal moieties.

ARTICLE XIII.

The arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE XIV.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the arbitrators.

ARTICLE XV.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the twenty-ninth day of February, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL]

JULIAN PAUNCEFOTE [SEAL]

OFFICIAL DOCUMENTS

GENERAL ARBITRATION TREATY BETWEEN THE ARGENTINE REPUBLIC AND CHILE.

Signed at Santiago de Chile, May 28, 1902.

[Translation.]

The Governments of the Argentine Republic and of the Republic of Chile, equally animated by the desire to settle by friendly means every controversy that might arise between the two countries, have decided to conclude a general arbitration treaty, and, for that purpose, have named the following as their ministers plenipotentiary:

His Excellency, the President of the Argentine Republic, M. José Antonio Terry, his Envoy Extraordinary and Minister Plenipotentiary, near the Government of Chile, and,

His Excellency, the President of the Republic of Chile, M. José Francisco Vergara Donoso.

Who, after having communicated to each other their full powers, found sufficient and in good and due form, have agreed upon the stipulations contained in the following articles:

ARTICLE 1.

The high contracting parties obligate themselves to submit to arbitral decision all the controversies, which, whatever be their nature, and for any cause whatever, might arise between them, if these controversies are not of a nature prejudicial to the constitutional prescriptions of either of the two countries, and cannot be settled by direct negotiations.

ARTICLE 2.

In virtue of the present treaty, the questions which have been already the object of definitive arrangements between the parties may not be brought up again. In such cases, arbitration shall be restricted exclusively to the differences regarding the validity, the interpretation of the execution of said arrangements.

ARTICLE 3.

The high contracting parties shall designate as arbitrator the Government of his Britannic Majesty. In case one of the parties should not entertain friendly relations with the Government of his Britannic Majesty, the two contracting parties hereby designate the Government of the Swiss Confederacy.

Within the period of sixty (60) days, beginning on the day of the exchange of ratifications the two parties, jointly or severally shall request of the Government of his Britannic Majesty, arbitrator in the first place, and of the Government of the Swiss Confederacy, arbitrator in the second place, the acceptance of the functions of arbitrator which is conferred upon them by this treaty.

ARTICLE 4.

The matters, questions, or disagreements that may become the object of the *compromis* shall be specified by the contracting governments who shall determine the extent of the powers of the arbitrator and any other circumstances relating to the procedure.

ARTICLE 5.

In case of disagreement one of the parties may request the intervention of the arbitrator upon whom it shall devolve to specify the *compromis*, the time, the place, and the formalities of procedure as well as to settle all difficulties that might arise in the course of the discussion. The contending parties pledge themselves to furnish to the arbitrator all the information at their disposal.

ARTICLE 6.

Each of the parties may appoint one or several agents for the purpose of representing it before the arbitrator.

ARTICLE 7.

The arbitrator is competent to decide in regard to the validity of the *compromis* and its interpretation. He is also competent to settle the controversies that may arise between the contending parties as to whether or not certain questions were or were not submitted to arbitration under the *compromis*.

ARTICLE 8.

The arbitrator must decide in conformity with the principles of international law, unless the *compromis* imposes the application of special rules or authorizes the arbitrator to decide in the quality of friendly adjuster.

ARTICLE 9.

The award shall be definitive upon each point in dispute, and shall be accompanied by a summary of the reasons.

ARTICLE 10.

The award shall be drawn up in duplicate original, and notified to the parties through the medium of their respective representatives.

ARTICLE 11.

The award, legally rendered, decides within the limits of the authority of the arbitrator, the controversy between the parties.

ARTICLE 12.

The arbitrator shall state in the award, the period within which it must be carried out, and he is competent to settle all questions that may arise in connection with its execution.

ARTICLE 13.

The award is without appeal, and the execution of it is left to the honor of the signatory nations of the present agreement.

Nevertheless, review of the award before the same arbitrator by whom it was pronounced shall be admitted, if, before the expiration of the period specified for its execution, it is proven:

First. That the award was rendered in consequence of the production of a false or fraudulent document;

Second. That the award was, in whole or in part, the consequence of an error of fact resulting from the acts or the documents in the case.

ARTICLE 14.

Each of the parties shall make provision for its own expenses, and in addition for one-half of the general expenses of the arbitration.

ARTICLE 15.

The present treaty shall remain in force for the period of ten (10) years beginning with the day on which the ratifications are exchanged. If it is not denounced six (6) months before its expiration, it shall be considered as renewed for another period of ten (10) years, and so on.

The present treaty shall be ratified and ratifications thereof exchanged at Santiago de Chile within the six (6) months from the date of signature.

In faith of which the plenipotentiaries of the Argentine Republic and of the Republic of Chile have signed the present treaty and affixed their seals thereto.

Done in duplicate at Santiago de Chile the twenty-eighth of May, one thousand nine hundred and two.

(Signed) J. A. TERRY.

(Signed) J. F. VERGARA DONOSO.

RULES OF PROCEDURE OF THE INTERNATIONAL JOINT COMMISSION.

ADOPTED PURSUANT TO ARTICLE XII OF THE TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN, SIGNED JANUARY 11, 1909.

Adopted at Washington, February 2, 1912.

The International Joint Commission, by virtue of the provisions of Article XII of the Treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the Dominions beyond the Seas, Emperor of India, dated the 11th day of January, 1909,¹ hereby adopt the following rules of procedure:

DEFINITIONS.

1. In the construction of these rules and the forms herein referred to (unless the context otherwise requires) words importing the singular number shall include the plural, the words importing the plural number shall include the singular; the term "party" or "parties" shall include governments and also persons permitted by these rules to take part in any proceedings before the Commission; the word "person" shall include individual, partnership, or corporation, and "oath" shall include affirmation.

¹ SUPPLEMENT, 4:239.

MEETINGS.

2. Regular sessions of the Commission shall be held annually at Washington beginning on the first Tuesday of April and at Ottawa beginning on the first Tuesday of October.

Special meetings may be held at such times and places in the United States and the Dominion of Canada as the chairmen of the two sections may determine.

CHAIRMEN.

3. The commissioners of the United States section of the Commission shall appoint a chairman, to be known as the chairman of the United States section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in the United States, and in respect to all matters required to be done in the United States by the chairman of the Commission.

The commissioners of the Canadian section of the Commission shall appoint a chairman, to be known as the chairman of the Canadian section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in Canada, and in respect to all matters required to be done in Canada by the chairman of the Commission.

In case it shall be impracticable for the chairman of either section to act in any matter, then the commissioner of such section next in order of appointment shall act in his stead.

PERMANENT OFFICES.

4. The permanent offices of the Commission shall be at Washington, in the District of Columbia, and at Ottawa, in the Dominion of Canada, and the secretaries of the United States and Canadian sections of the Commission shall, subject to the order of said respective sections, have full charge and control of said offices, respectively.

DUTIES OF SECRETARIES.

5. The secretaries shall act as joint secretaries at all sessions or meetings of the Commission, and each shall keep an accurate permanent record of the proceedings and preserve the same in the permanent offices of the Commission. It shall also be the duty of each of them to receive and file all applications and other papers properly presented to the Commission in any proceeding instituted before it, and to number in numerical order all such applications; and the number given an applica-

tion shall be the file number for all papers and documents connected with such application. Each secretary shall also keep in the permanent office under his control a docket, in which he shall record the title of the application or other proceeding, separately in each case, the date of filing of the same, the name and post-office address of the attorneys of record, and a brief statement of the contents, together with proper reference to the files of the original papers referred to in said docket. Each shall forward to the other for filing in the office of the other copies of all letters, documents or other papers received by him or filed in his office, pertaining to any matter before the Commission, to the end that there shall be on file in each office either the original or a copy of all official papers, documents, records and correspondence relating to matters at any time pending before the Commission.

APPLICATIONS.

6. In all cases to be submitted to the Commission under Articles III, IV and VIII of the Treaty the method of bringing such cases to the attention of the Commission and invoking its action shall be as follows:

(a) Where one or the other of the governments on its own initiative seeks the approval of the Commission for the use, obstruction or diversion of waters with respect to which under Articles III and IV of the Treaty the approval of the Commission is required, it shall file with the Commission an application setting forth as fully as may be necessary for the information of the Commission the facts upon which the application is based, and the nature of the order of approval desired.

(b) Where any private person seeks the approval of the Commission for the use, obstruction or diversion of such waters, he shall first make written application to the government within whose jurisdiction the privilege desired is to be exercised, to grant such privilege, and upon such government, or the proper department thereof, transmitting such application to the Commission, with the request that it take appropriate action thereon, the same shall be filed and be proceeded with by the Commission in the same manner as an application on behalf of one or the other of the governments. All applications by private persons should conform, as to their contents, to the requirements of subdivision (a) of this rule.

7. One duplicate original and 25 copies of the application shall be filed with each of the secretaries, and there shall be filed with each of the secretaries such drawings, profiles, and plans of survey on tracing linen,

and such specifications and maps, as may be necessary to illustrate clearly the matter of the application.

8. In cases where either of the respective governments shall have authorized the use, obstruction or diversion of navigable waters, all plans filed as aforesaid shall be accompanied with the approval thereof by the government or proper department of the government within whose jurisdiction such waters lie.

NOTICE AND PUBLICATION.

9. As soon as practicable after an application is made as hereinbefore in Rule 6 provided for, the secretary of the section of the Commission appointed by the other government shall forthwith send to such government a notice in writing that the application has been made and a copy thereof.

The secretaries shall also, as soon as practicable after the application is made, cause to be published for three successive weeks in the Canada Gazette, and in two weekly newspapers, published one on each side of the international boundary line nearest the locality in which the use, obstruction, or diversion of waters is proposed to be made, a notice that the application has been made, and of the nature and locality of the proposed use, obstruction or diversion, and that all persons interested therein are entitled to be heard with respect thereto before the Commission.

STATEMENT IN RESPONSE TO APPLICATION.

10. Within 60 days after the filing of any such application the other government, and with its consent any private person interested, may file a statement with the Commission setting forth any fact or facts bearing on the subject-matter of the application and tending to defeat or modify the order of approval sought, or to require that the same be granted on condition, and setting forth whether the order of approval is opposed in whole or in part, and, if in part only, to what extent, and if it be desired that the approval be on condition, setting forth the particular condition or conditions upon which it is thought the order of approval should be granted.

• STATEMENT IN REPLY.

11. Immediately after such statement or statements are filed the secretary shall send a copy of the same to the government which shall have made the application or shall have filed the application on behalf of

private persons, and the said government or the private persons on whose behalf the application shall have been filed, one or both, may, within thirty days, file a statement or statements in reply, and the issues to be determined by the Commission shall be gathered from the application, statement or statements and reply statement or statements.

SUPPLEMENTAL APPLICATIONS AND STATEMENTS.

12. If it shall appear to the Commission that either the application, the statement, or the reply statement, is not sufficiently full, definite and complete to enable the Commission to proceed intelligently, the Commission may require a more full, definite and complete application or statement or reply statement, as the case may be, to be filed.

INTERESTED PRIVATE PARTIES.

13. Any person interested in the subject matter of the application, whether for or against, is entitled to be heard by counsel at the final hearing, and may, through counsel, with the consent of his government, conduct or assist in conducting all proceedings in the case subsequent to the application.

PRELIMINARY HEARING.

14. If it appear to the Commission at any time before the hearing of the application that it would be advantageous to hold a preliminary meeting for the purpose of fixing or altering the plan of hearing, determining the mode of conducting the inquiry, the admitting of certain facts, or the proof of them by affidavit, or for any other purpose, the Commission may hold such meeting upon such notice to the parties as it deems sufficient, and may thereupon make such orders as it may deem expedient.

PRELIMINARY COMMUNICATION WITH PARTIES.

15. The Commission may, if it thinks fit, instead of holding the preliminary meeting provided in Rule 14, communicate with the parties direct, and may require answers to such inquiries as it may consider necessary.

PRODUCTION AND INSPECTION OF DOCUMENTS.

16. Either party shall be entitled, at any time, before or at the hearing of the case, to give notice in writing to the party in whose application or statement or reply statement reference is made to any document, map,

plan, or profile, to produce it for the inspection of the party giving such notice or his attorney or solicitor, and to permit him to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put the same in evidence on his behalf in such proceedings, unless he satisfy the Commission that he had sufficient cause for not complying with such notice.

SUBPOENAS.

17. Subpoenas for the attendance and examination of witnesses and notice for the production and inspection of documents may be issued in the first instance under the signature of the secretary of the section of the country in which the witnesses reside.

COMPELLING ATTENDANCE OF WITNESSES, ETC.

18. All applications for subpoena or other process to compel the attendance of witnesses, or the production of books, papers, and documents before the Commission or the examiner, shall be made to the proper courts of either country, as the case may be, upon the order of the Commission or by the chairman of the section of the Commission of the country in which the witnesses reside or the books, papers, or documents may be, or by the examiner appointed under Rule 19.

DEPOSITIONS.

19. On application to the secretary of the section of the Commission in the country where depositions are proposed to be taken, any party may have a commission to take the depositions of witnesses, the commission to be signed by the secretary, to designate the name of the examiner before whom depositions will be taken, and the time and place of taking, but need not designate the names of witnesses to be examined, and the secretary shall specify in the commission the length of notice to be given, in all cases requiring what he may deem ample time to enable the parties to be present. The examiner, who shall in all cases be an official having power in his own country to administer oaths, may issue subpoenas for witnesses to be examined before him. The testimony of all witnesses shall be taken under oath or affirmation and the parties shall be entitled to attend and examine and cross-examine. The testimony so taken shall be confined to the subject matter in question, and any objection to the admission of evidence shall be noted by the examiner and dealt with by the Commission at the hearing. The examination shall take place

within 60 days after the time provided in Rule 11 for the filing of the reply statement. All examinations or depositions taken in pursuance of this rule shall be returned to the secretary who issued the commission, and the depositions certified under the hand of the examiner, without further proof, be used in evidence, saving all just exceptions.* The examiner at the time and place appointed in the commission can take the depositions of witnesses offered by any party.

FINAL HEARINGS.

20. The final hearings on applications shall be had at times and places to be fixed by the chairmen of the two sections not less than 60 days after the time provided for filing the reply statement, and the Commission will then hear oral and documentary evidence and evidence which may have been taken by the parties by deposition.

The Commission may require further evidence to be given, either viva voce or by deposition taken before an examiner.

The Commission may decide how many counsel are to be heard and what interests may be united for the purpose of the hearing.

The Commission may, in any case, require printed briefs or factums to be submitted by the parties.

The hearing of the case, when once commenced, shall proceed, so far as in the judgment of the Commission may be practicable, from day to day.

PRINTING OF BRIEFS AND RECORDS.

21. All briefs, factums, pleadings, and documents printed for the use of the Commission must be in such form and size, with ample margin, that they can be conveniently bound together so as to make an ordinary octavo volume; and, as well as all quotations contained therein, and the covers thereof, must be printed in clear type (never smaller than pica) and on unglazed paper.

MAJORITY MAY CONDUCT HEARINGS.

22. A majority of the Commission may conduct hearings or other proceedings regularly before it and may take and receive testimony and hear arguments thereon, but less than the whole number of the Commission shall not proceed to finally consider and determine any matter, proceeding, or question which the treaty creating the Commission, either in terms or by implication, requires or makes it the duty of the commission to decide.

AMENDMENTS.

23. Amendments of applications and statements may be allowed by the Commission where substantial justice requires it, and the time for the filing of any paper or the doing of any act by these rules required may be extended in the like case.

SERVICE OF PROCESS.

24. Service of any subpoena, process, notice, or other document which must be served under the present rules, shall be by delivering a copy thereof to the person named therein, or by leaving the same at the dwelling house or usual place of abode or usual place of business of such person with some adult person who is a member of or resident in his family or with an employee in such place of business. Such service may be made by any literate person, who shall make return thereof under oath to the secretary from whom such subpoena, process, notice, or other document shall have been received, and such return shall state the time and place of such service.

EXPENSES OF PROCEEDINGS.

25. All expenses incident to the prosecution of any proceedings before the Commission or upon applications presented under subsection (b) of Rule 6, including cost of publication of notices, service of subpoenas or other process, taking of testimony or depositions, witness fees, and all other expenses included in such proceedings, shall be paid by the party on whose behalf or at whose request such cost or expense is incurred.

SUBMISSION TO GOVERNMENTS.

26. When in the opinion of the Commission it is desirable that a decision should be rendered which affects navigable waters in a manner or to an extent different from that contemplated by the application and plans, the Commission will, before making a final decision, submit to the government transmitting the application a draft of the decision, and such government may file with the Commission a brief or memorandum thereon which will receive due consideration by the Commission before its decision is made final.

•
GENERAL RULE.

27. The Commission may, in the course of the proceedings, make any order which it deems expedient and necessary to meet the ends of justice and to effectually carry out the true intent and meaning of the treaty.

ARTICLES IX AND X.

28. The foregoing rules, as far as applicable, shall apply to proceedings in all cases referred or submitted under Articles IX and X.

ARBITRATION CONVENTION BETWEEN DENMARK AND FRANCE.

Concluded at Copenhagen, August 9, 1911; ratifications exchanged at Copenhagen, December 21, 1911.

The President of the French Republic and His Majesty the King of Denmark, signatories of the convention for the peaceful settlement of international disputes, concluded at The Hague, October 18, 1907,

Whereas, by Article 40 of said convention, the high contracting parties have reserved unto themselves the right to conclude agreements "with the view of extending obligatory arbitration to all cases that they shall judge possible for submission thereto;"

Whereas, the Second Peace Conference was unanimous in recognizing in the Final Act the principle of obligatory arbitration, and in declaring that certain disputes are susceptible to be submitted unreservedly to obligatory arbitration;

Have resolved to conclude a convention establishing these principles, and named as their plenipotentiaries, to wit:

The President of the French Republic: M. Charles-Prospér-Maurice Horric de Beaucaire, Envoy Extraordinary and Minister Plenipotentiary of the French Republic to Copenhagen;

His Majesty, the King of Denmark: His Excellency, M. le Comte Carl William Ahelfeldt Laurvig, his Minister of Foreign Affairs;

Who, duly authorized, have agreed upon the following articles:

ARTICLE 1.

Differences of a juridical nature and, particularly, those regarding the interpretation of treaties existing between the two contracting parties, which might hereafter arise between them and not be settled by diplomacy shall be submitted to arbitration in the terms of the Convention for the Peaceful Settlement of International Disputes, signed at The Hague, October 18, 1907, with the condition, however, that they affect neither the vital interests, nor the independence nor the honor of the one or the other of the contracting states, and that they do not affect the interests of third Powers.

ARTICLE 2.

The differences relating to the following questions shall be submitted to arbitration and the reservations mentioned under Article 1 may not be invoked in regard to them:

I. Pecuniary claims under the head of damages when the principle of indemnification is recognized by the parties.

II. Contractual debts claimed from the government of one of the parties by the government of the other party as due to its citizens.

III. Interpretation and application of conventional stipulations relating to commerce and navigation.

IV. Interpretation and application of the conventional stipulations relating to the following matters:

Industrial property.

Literary and artistic property.

International private law regulated by the conventions of The Hague.

International protection of working men.

Posts and telegraphs.

Weights and measures.

Sanitary questions.

Submarine cables.

Fisheries.

Gauging of vessels.

White slave traffic.

In the differences relating to the matters referred to in N° IV of the present article, and over which, according to the territorial law, the judicial authority might be competent, the contracting parties have the right to submit the dispute to arbitration only after the national jurisdiction shall have definitively pronounced. The arbitral decisions rendered in the cases referred to in the preceding paragraph shall have no effect upon anterior judicial decisions. The contracting parties engage themselves to take or eventually to propose to the legislative branch the necessary measures so that the interpretation given by the arbitral decision in the cases referred to above may in fact impose itself upon their tribunals.

ARTICLE 3.

In each special case the high contracting parties shall sign a special agreement clearly indicating the object of the dispute, the scope of the power of the arbiters, the procedure and the time limits to be observed in

regard to the functioning of the arbitral tribunal. The contracting parties agree to confer upon the arbitral tribunal defined in the present convention the power to decide, in case of disagreement between themselves, if a difference which has arisen between them belongs to the category of differences to be submitted to obligatory arbitration in conformity with Articles 1 and 2 of the present convention.

ARTICLE 4.

If within the year that follows the notification by the more diligent party of a project of agreement, the high contracting parties are not successful in reaching an agreement regarding the measures to be taken, then the permanent court shall be competent for the establishment of the agreement. It may be invoked by the request of only one of the parties. The agreement shall be reached in conformity with the dispositions of Articles 54 and 45 of the Convention of The Hague for the Peaceful Settlement of International Disputes, of October 18, 1907.

ARTICLE 5.

The present convention is concluded for the period of five years with the privilege of tacit continuation for another five years, beginning with the exchange of the ratifications.

ARTICLE 6.

The present convention shall be ratified as early as possible, and the ratifications thereof exchanged at Copenhagen.

Done at Copenhagen in duplicate, August 9, 1911.

(L. S.) Signed: HORRIC DE BEAUCAIRE.

(L. S.) " C. W. AHLEFELDT LAURVIG.

DEGREE REGARDING THE REGISTRATION OF FRENCH CITIZENS ABROAD, BY THE DIPLOMATIC AND CONSULAR AGENTS.¹

September 16, 1910.

The President of the French Republic, — in view of the tariff for the perception of fees in the diplomatic and consular chancelleries, which accompanies Article 58 of the Law on Finance of April 8, 1910; in

¹ *Revue générale de droit international public*, 1911, No. 6, Documents, p. 41.

view of the ordinance of November 28, 1833, regarding the registration of French citizens residing abroad, by the diplomatic and consular chancelleries; in view of the ordinance of October 28, 1833, regarding the duties of vice-consuls and consular agents, — decrees:

ARTICLE 1.

The registration of French citizens possessing French personal status is operated in a special register by the diplomatic agents (in the residences where there are no consulates), consuls general, consuls and vice-consuls. Mention is made in this register of the name, surname, date and place of birth, last domicile in France, address abroad, profession, marital conditions (single, married, widowed), military condition (regular or irregular) of the registered person, as well as of the documents that have served for registration, witnesses having certified to their identity and to all of the necessary information. Mention is also made of the legitimate wife and of minor children if they reside in the same locality as the father of the family.

ARTICLE 2.

The registration of French citizens possessing a special status (natives of Algeria and of the colonies, not naturalized French citizens) and of subjects of countries placed under the sovereignty or the protectorate of France is operated in a register kept for that purpose by the diplomatic agents (in the residences where there are no consulates), consuls general, consuls and vice-consuls. In this register are entered as far as possible the categories enumerated in the preceding article.

ARTICLE 3.

A certificate bearing the categories of the register shall be delivered to every person inscribed in accordance with Articles 1 and 2.

ARTICLE 4.

The Minister of Foreign Affairs may by decree confer upon certain consular agencies the power to register and to deliver registration certificates in conformity with Articles 1, 2, and 3 of the present decree. Furthermore, he may by decree cancel the powers thus granted.

ARTICLE 5.

The diplomatic agents (in the residences where there are no consulates), consuls general, consuls and vice-consuls have the power to inscribe into a register for protégés, foreigners belonging to a state which

has no diplomatic or consular representative in the country of their residence. As far as possible, in this register the categories indicated under Article 1 are recorded with the exception of those referring to military service.

ARTICLE 6.

A certificate bearing the categories of the register shall be delivered to the persons inscribed in accordance with Article 5.

ARTICLE 7.

The loss of French nationality carries with it the removal of the name from the registration book. Whenever they deem it expedient, agents may always operate removal of names of foreigners inscribed in the register for protégés according to Article 5.

ARTICLE 8.

When a modification of the categories inscribed upon the certificate shall be necessary (change in marital condition, etc.), it shall have to be done by an agent qualified to deliver a similar certificate, signed, dated and bearing the seal of the post.

ARTICLE 9.

When a person inscribed at a post transfers his domicile to another consular district he shall be registered at the new post, but the certificate which is delivered to him shall be valid only for the period during which he would not have had to renew the old certificate, and mention of this period shall be recorded in the certificate.

ARTICLE 10.

When a naturalized Frenchman returns to his country of origin and has himself registered, mention shall be made in the certificate that this document is valid with regard to the local authorities only if the latter recognizes his change of nationality.

ARTICLE 11.

The Minister of Foreign Affairs is charged with the execution of the present decree.

Done at Rambouillet, September 16, 1910.

A. FALLIÈRES.

For the President of the French Republic:

The Minister of Foreign Affairs,

S. PICHON.

Decree.

The Minister of Foreign Affairs, — In view of Article 4 of the decree of September 16, 1910, regarding the registration of French citizens and the inscription of French and foreign protégés in the registers kept at the diplomatic and consular posts, — Decrees:

Article 1. — The consular agents of France at Conception and Santa Fé (Argentine Republic); Chillan, Traiguén, Temuco, Talca, Talcanuano (Chile); Sse-Mao and Long-Tcheou (China); Honda, Baranquilla, Cali, Carthagena and Bucaramanga (Colombia); Sierra Leone (West Africa); Monrovia (Liberia); Saint-Thomas, Reykiawik, Faskrudsfjord and the Westmann Islands (Denmark); Guayaquil (Equador); Harrar (Ethiopia); Mahé, Sainte-Marie-de-Bathurat, Aden, Madras, Colombo, Roseau (Great Britain); Laurium (Greece); Aquin, Cap-Haitien, the Cayes, the Gonaïves, Jacmel, Jeremie, Miragoane, Petit-Goave, and Saint-Marc (Haïti); Honolulu (Sandwich Islands); Elksar, Larache, Mazagan and Rabat (Morocco); Jicaltépec (Mexico); Bissao, Beira and Quilimane (Portugal); Batoum and Novorossyisk (Russia); Zougoul-Dagh, Kavala, Antioch, Lattakieh, Salda and Samsoun (Turkey); Ismaïlia (Egypt) are authorized to register French citizens under the conditions defined by Articles 1 and 2 of the Decree of September 16, 1910, and to deliver to them the certificate provided for by Article 3 of said decree.

Article 2. — The Director of Administrative and Technical Affairs is charged with the execution of the present decree.

Done at Paris, September 22, 1910.

The Minister of Foreign Affairs,

S. PICHON.

CONVENTION BETWEEN FRANCE AND GERMANY TO DEFINE ACCURATELY THE BOUNDARY LINES BETWEEN THE COLONIES OF THE KAMERUN AND OF THE FRENCH CONGO AND TO ESTABLISH THE LINE OF DEMARCATION OF THE RESPECTIVE ZONES OF INFLUENCE OF THE TWO COUNTRIES ABOUT THE REGION OF LAKE TCHAD.¹

Signed at Berlin, March 15, 1894; ratifications exchanged, August 10, 1894.

[Translation.]

Whereas the Government of His Majesty the German Emperor and the Government of the French Republic, in the spirit of a mutual friendly

¹ Nouveau Recueil Général de Traites, 3d Series, Vol. 97, p. 603.

understanding, decided to give effect to the convention entered into by their respective plenipotentiaries regarding the delimitation of the protectorate of Kamerun and of the colony of the French Congo as well as regarding the determination of the German and French spheres of influence in the region of Lake Tchad, the thereto empowered* undersigned, namely:

Baron v. Marschall, Secretary of Foreign Affairs of the German Empire, and

Jules Herbette, Ambassador Extraordinary and Plenipotentiary of the French Republic to His Majesty, the German Emperor

have confirmed the protocol (together with its annexes), concluded on February 4th of this year, the text of which reads as follows:

Protocol.

The undersigned, Dr. Paul Kayser, Actual Privy Legation-Councillor, Director of Colonial Affairs in the Department of Foreign Affairs;

Dr. Alexandre Baron de Danckelman, professor;

Jacques Haussmann, Division Chief in the Bureau of the Colonies;

Parfait-Louis Monteil, Marine Infantry Battalion Chief, appointed by the Government of the German Empire and by the Government of the French Republic in order to reach an agreement, intended to settle the questions pending between Germany and France in the region included between the colonies of the Kamerun and of the French Congo, and to establish the line of demarcation of the respective zones of influence of the two countries about the region of Lake Tchad, have agreed upon the following dispositions:

ARTICLE 1.

The boundary line between the colony of the Kamerun and the colony of the French Congo, starting from the intersection of the parallel forming the boundary with the meridian 15° Greenwich (12° 40' Paris), shall follow said meridian until it meets the river Ngoko; the Ngoko until it meets with the parallel 2°; from there taking its course to the east it shall follow this parallel even to the point where it meets the river Sangha. It shall then follow in a northerly direction, for a distance of 30 kilometers, the river Sangha; from the point thus determined on the right bank of the Sangha it shall follow a straight line ending at the parallel of Bania, sixty-two minutes (62') to the west of Bania; from this point it shall follow a straight line ending at the parallel of Gaza, forty-three minutes (43') to the west of Gaza.

From there the boundary line shall follow a straight line in the direction of Koundé, leaving Koundé to the east with a border line defined on the west by an arc of a circle of a radius of 5 kilometers, starting on the south from the point where it is crossed by the line going to Koundé and ending on the north at its intersection with the meridian of Koundé; from there the boundary line shall follow the parallel of this point until it meets the meridian 15° Greenwich (12° 40' Paris).

The line shall then follow the meridian 15° Greenwich (12° 40' Paris) until it meets the parallel 8° 30', then a straight line ending at Lamé, leaving a border line of 5 kilometers to the west of this point; from Lamé a straight line ending on the left bank of the Mayo-Kebbi at Bifara. From its intersection with the left bank of the Mayo-Kebbi, the boundary line shall cross the river and rise in a straight line to the north, leaving Bifara to the east until it meets the 10th parallel. It shall follow this parallel until it meets the river Chari, and finally follow the course of the Chari up to Lake Tchad.

ARTICLE 2.

The German Government and the French Government mutually pledge themselves not to exercise any political action within the spheres of influence which they have provided for by the line of demarcation determined in the preceding article. It is agreed, therefore, that each of the two Powers pledges itself not to make territorial acquisitions, conclude treaties, accept rights of sovereignty or of protectorate, interfere with or dispute the influence of the other Power within the zone reserved unto it.

ARTICLE 3.

Germany, with regard to the waters of the Bénoué and of its tributaries, included within its sphere of influence; France, in regard to that part of the Mayo-Kebbi and of the other tributaries of the Bénoué, included within its sphere of influence, consider themselves mutually bound to apply and to cause to be respected the dispositions regarding the freedom of navigation and of commerce specified under Articles 26, 27, 28, 29, 31, 32, 33 of the Act of Berlin of February 26, 1885, as well as the articles of the Act of Brussels relating to the importation of arms and of spirituous liquors.

Germany and France assure to each other respectively the force of these same dispositions regarding the navigation of the Chari, the Logone and their tributaries and the importation of arms and spirituous liquors, within the basins of these rivers.

ARTICLE 4.

Within the territories of their respective zones of influence included in the basins of the Bénoué and its tributaries, of the Chari, the Logone and their tributaries, as well as within the territories situated to the south and to the southeast of Lake Tchad, the merchants or travellers of the two countries shall be treated on the principle of perfect equality concerning the use of the roads or other means of communication overland. Within these same territories, the citizens of the two countries shall be subject to the same regulations and enjoy the same advantages regarding acquisitions and installations necessary for the operation and development of their commerce and their industry.

From these dispositions are excluded all roads and means of communication overland in the coastal basins of the colony of the Kamerun, or in the coastal basins of the colony of the French Congo, not included in the conventional basin of the Congo as defined by the Act of Berlin.

These dispositions, however, apply to the Yola, Ngaoundéré, Koundé, Gaza, Bania road and vice versa as indicated on the map annexed to the present protocol, even though it were crossed by tributaries of the coastal basins.

The tariffs of taxes or dues that may be levied by either party shall establish no preferential treatment in regard to the merchants of the two countries.

ARTICLE 5.

In faith of which the delegates have drawn up the present protocol and affixed their signatures thereto.

Done at Berlin in duplicate February 4, 1894.

The German Plenipotentiaries:

KAYSER.

VON DANCKELMAN.

The French Plenipotentiaries:

HAUSMANN.

MONTEIL.

ANNEX.

§ I. The line of demarcation of the respective spheres of influence of the two contracting Powers as defined under Article 1 of the protocol of the same date shall conform to the line traced on the map annexed to the present protocol, which was established according to geographical data actually known and admitted by both parties.

§ II. In case the river Ngoko, starting from its intersection with the meridian 15° Greenwich ($12^{\circ} 40'$ Paris) should not cut the second parallel, then the boundary line would follow the Ngoko for a distance of 35 kilometers to the east of its intersection with the meridian 15° Greenwich ($12^{\circ} 40'$ Paris); starting from the point thus determined to the east, it would again join in straight line the intersection of the second parallel with the Sangha.

§ III. If in future it were to be shown by new observations duly verified, that the locations of Bania, Gaza, or Koundé are erroneous, and that in consequence the boundary line as defined by the present protocol is modified in relation to one of these three points, by a distance of more than ten minutes of a degree ($10'$) to the west of the meridian 15° Greenwich ($12^{\circ} 40'$ Paris), the two Governments would come to an understanding in order to proceed to a rectification of the line, so as to establish an equivalent compensation to Germany within the region under consideration.

'A similar rectification would take place, for the purpose of establishing a compensation to the advantage of France, if it were shown that the intersection of the tenth parallel with the Chari modifies the boundary lines by a distance of more than ten minutes ($10'$) to the east of the point indicated on the map (Longitude $17^{\circ} 10'$ Greenwich — $14^{\circ} 50'$ Paris).

§ IV. Regarding the point of the intersection with the Mayo-Kebbi, it remains understood, that whatever the definitive location may be with regard to this point, the boundary line shall leave within the French sphere of influence the villages of Bifara and Lamé.

§ V. In case the Chari, from Goulfeï to the point where it empties into the Tschad, should divide into several branches, the boundary line would then follow the principal navigable branch to its entrance into the Tschad, with the reservation, that to make this line definitive, the difference of longitude between the point thus reached by the boundary line on the south shore of the Tschad, and of Kouka, capital of Bornou, accepted as a definitive point, shall be one degree. In case subsequent observations, duly verified, should establish that the difference in longitude between Kouka and said entrance into the Tschad amounts to five minutes ($5'$) of a degree more or less, from the one that has just been indicated, it would become necessary, by friendly agreement, to modify the location of this part of the boundary line, so that the two countries, from the point of view of access to the Tschad and to the territories that

are reserved to them within this region, may retain advantages equivalent to those assured to them by the location of the line traced on the map annexed to the present protocol.

§ VI. In all cases where the course of a river or of a stream is indicated as forming the line of demarcation, it is the valley of the river or of the stream which shall form the boundary line.

§ VII. The two governments admit that it will be necessary in the future to substitute gradually for the ideal lines which have served to define the boundary as defined by the present protocol, another line determined by the natural configuration of the ground and staked out at points exactly located, being careful, in the agreements that may be entered into for such purpose, not to favor one of the two parties without granting an equitable compensation to the other.

Approved for annexation to the protocol of February 4, 1894.

The German Plenipotentiaries:

KAYSER.

VON DANCKELMAN.

The French Plenipotentiaries:

HAUSSMANN.

MONTEIL.

The present agreement shall be ratified and the originals exchanged at Berlin within a period of not more than six months.

BARON V. MARSCHALL.

JULES HERBETTE.

CONVENTION BETWEEN GERMANY AND FRANCE TO DEFINE PRECISELY THE
BOUNDARY LINES BETWEEN THE KAMERUN AND THE FRENCH CONGO.

Signed at Berlin, April 18, 1908; ratifications exchanged July 23, 1908.

[Translation.]

The Government of His Majesty the Emperor of Germany and the Government of the French Republic having resolved, in a spirit of mutual good will, to give effect and force to the agreement prepared by their respective delegates for the delimitation of the colonies of the Kamerun and of the French Congo, the undersigned:

¹ Nouveau Recueil Général de Traités, 3d Series, Vol. 97, p. 612.

His Excellency M. de Schoen, Secretary of Foreign Affairs of the German Empire; and

His Excellency M. Jules Cambon, Ambassador Extraordinary and Plenipotentiary of the French Republic near His Majesty the Emperor of Germany, duly authorized for that purpose,

confirm the protocol (with its annexes) concluded at Berlin, April 9 ultimo, whose contents here follows:

The undersigned —

Dr. Frederic v. Lindequist, Under-Secretary in the Ministry for Colonies,

Dr. Otto Gleim, Superior Privy Councillor of the Government in the Ministry for Colonies,

Dr. Alexandre Baron de Danckelman, Professor and Privy Councillor of the Government in the Ministry for Colonies,

Albert Duchêne, Chief of the sub-division for Africa at the Ministry for Colonies,

Henry Moll, Brevet-Chief of Colonial Infantry Battalion,

Louis Hermite, Secretary of Embassy,

appointed by the Government of the German Empire and by the Government of the French Republic for the purpose of preparing an agreement to define precisely the boundary line between the Kamerun and the French Congo and to settle certain questions relating thereto, in execution of the dispositions of the Convention of March 15, 1894, and in particular of paragraphs III and VII of the annex to the protocol of the preceding February 4, have agreed upon the following dispositions:

(A) The boundary line between the Kamerun and the French Congo, starting from Spanish Guinea (El Muny [meridian 9° East Paris, 11° 20' East Greenwich]) follows:

The river Kyé (Kje), from the confluence of the Mvézeu (Mwése) to its confluence with the Ntem (Kampo),

The Ntem, from the confluence of the Kyé to the confluence of the Kom,

The Kom, from its confluence with the Ntem to the confluence of its left bank tributary nearest to the basin of the Aïna (Ayem, Ivindo), intersecting the parallel 2° 15' north or situated in its vicinity,

The course of this tributary from its confluence with the Kom to its intersection with the parallel 2° 15' north,

The parallel 2° 15' north from its intersection with the tributary of the aforementioned Kom up to its intersection with the left bank tributary of the Aïna nearest to the basin of the Kom, intersecting the parallel 2° 15' north or situated in its vicinity,

The course of this tributary from the parallel $2^{\circ} 15'$ north up to its confluence with the Aïna,

The course of the Aïna even to its eastern intersection with the parallel $2^{\circ} 10' 20''$ north, near the boundary stake number 13,

The parallel $2^{\circ} 10' 20''$ north from the Aïna to the stake number 4, situated on the road from Ndongo (Dorgo) to Eta (Long) by the valley of the Djua (Jua),

The water-shed line between the Djua and the Masimbo (Masimlo) from the stake number 4 to the confluence of these two water-courses (stake number 2).

It is understood that if between these two points (stake number 4 and stake number 2) the water-shed line crosses the German road from Ndongo to Eta by the valley of the Masimbo, the boundary line shall follow at an equal distance both the German and the French roads as traced on the map annexed to the present protocol.

The boundary line then follows the course of the Djua from the confluence of the Masimbo to the Ngoko (Dzcha) and the course of the Ngoko up to the Sangha (Ssanga).

The islands of the Kyé, the Ntem and the Kom are allotted to Germany; the islands of the Aïna and of the Ngoko are allotted to France.

(B) The boundary line ascends the Sangha from the mouth of the Ngoko to the mouth of the Nyoué (Njue). However, all the islands of the Sangha situated to the south of a point fixed at 5 kilometers to the north of the position given for the village of Balbal on the map of the protocol are French; all islands situated to the north of said point even to the mouth of the Nyoué are German.

(C) The boundary line then follows the Nyoué to a point situated about 5 kilometers to the south of the location given to Ngombaco on the map of the protocol, then a straight line starting from said point and ending at a point situated 15 kilometers to the south of Mauvey (Mauwei).

(D) The boundary line proceeds northward as follows; and it is understood that the successive points of the boundary line referred to in the present agreement shall be inter-connected by straight lines every time when no contrary indications are specified.

From the point specified under paragraph C, situated 15 kilometers to the south of Mauvey, the line goes to the ford nearest to the north of the stream Boné (M'Boné), on the road of Yokodouma (Jukaduma)-Molai (Molei) to about 7 kilometers southwest of Molai.

From this point the line goes to the ford of the river Batouri (Baturi) on the Baboua (Babua)-Yanga (Benda)-Boulambo (Bulambu) road; then it descends the Batouri even to the Kadeï.

It ascends the Kadeï even to the confluence of the Boumbé II (Bumbe 2), then the Boumbé II to the ford of the Vanda (Wanda)-Déson (Janga) road.

From this ford it goes to the ford of the stream (Mana), on the Nguaia (Ngia)-Bagari road, 16 kilometers northeast of Nguaia; then to the ford of the Guirma (Gliba) on the Bingué (Binge)-Aladji road, approximately 10 kilometers south of the Aladji; then it descends the Guirma even to its confluence with the Kadeï and re-ascends the Kadeï even to its source.

(E) From there it goes to the source of the Béré, descends this river to its confluence with the Lom, reascends the Lom even to the confluence with the Bali, follows this river upward to the ford of the Koundé (Kunde)-Mboné 1 (Bone) road about 18 kilometers to the northeast of Koundé.

It goes then to a point situated 3 kilometers to the north of the source of the Mambéré as indicated on the map of the protocol, then to the ford of the Bondo on the Zaoro Coumbo (Kumbo)-Bertoua (Bertua)-Zaoro Nô (Nu) road to the ford of the Bondo on the Z. Coumbo-Karanga road, to the intersection of the water-shed line between the Lom and Congo with the Gam (Belo Ngam)-Karanga road, to about 6 kilometers southeast of Gam, from there to the mountain which is about 9 kilometers to the north of the point where the river Mini cuts the Karanga-Nabemo road, to the ford of the Midé on the road from Bougouda to Yakoundé (Jakunde), to the ford of the Ngou (Ngu) on the road from Zaoro Mboné 1. II (Bone) to Baname and descends then the Ngou even to its confluence with the Mbéré. It descends the course of this river until it meets the Mbina or western Logone (Wina).

(F) It goes to a point located 5 kilometers to the west of Di, then to a point located 5 kilometers to the west of Mbé, then to the ford of the stream Ndiki on the road from Dol to Mandi (Manti) about 14 kilometers to the northwest of Dol.

From there it reaches the road from Borgo (Mbongo) to Manda Bossoro, equidistant from these two villages. It goes then to the ford of the river Guiemguié (Giemgié) on the Bongo-Mbaqueu road, to the ford of the same river on the Diamdié (Samdsche)-Mbaqueu road, to the ford of the Sinabou (Sinambou) on the Diamdié-Tiémieng (Tschimiang)

road, then descends the Sinabou even to the ford of the Djebo (Dschebo)-Ouaïlega (Wileka) road.

It reaches then the ford of the stream Budeka (Bundeka) on the Dari-Weimba road about 11 kilometers to the south of Dari, the ford of the stream Ginganfeu on the Bagi (Mbade)-Mbéré road, about 12 kilometers southwest of Bagi, the ford of the stream Ibi (Njebi) to the crossing of the roads from Lamé to Aoudjali (Audjali) and from Lamé to Bibene. It ascends the Ibi to the Lamé-Degolguia road, goes from there in a straight line to a point half-way between Djaloumé (Dschalume) and Guessalé (Wodepane), then northward to the Mayo-Kabbi (Mao-Kabi), descends this river even to the meridian of Biparé, then follows westward an arc of a circle of a radius of about two and one-half kilometers running from the center of Biparé even to the Biparé-Hamajadi (Hamaïadschi) road.

(G) It reaches then a point situated 5 kilometers to the east of Figuil (Figil) on the Figuil-Djabili (Yabili) road, the ford of the stream which crosses the Biguerh (Bidjar)-Boursou (Bursu) road to about 6 kilometers south of Biguerh, the ford of the stream which crosses the Biguerh-Guébagné road 3 kilometers to the southeast of Biguerh, the ford of the stream Moré on the Biguerh-Sokoï (Soken) road about 8 kilometers northeast of Biguerh, and the ford of the stream Sasaïken on the Boursou-Boudouba (Beduwa) road 3 kilometers northwest of Boursou.

The boundary line intersects the Bipâré-Goubara (Gubara) road 2 kilometers to the north of Bipâré, reaches the ford of the stream Toukoufaï (Diro) on the Binder-Garé (Gareï) road about 8 kilometers northwest of Binder (stake where astronomical observations were made), cuts the Binder-Doumrou (Dumuru) road about 4 kilometers to the north of Binder, the Binder-Guidigius (Gidigis) road 5 kilometers northeast of Binder and the Diguélao (Dsigilau)-Mindiffi road 5 kilometers south of Diguélao.

It proceeds then half-way between Doudoula (Dudula)-Gouyou, between Doué (Duei)-Gouyou, between Soëi-Boulambali, between Soëi-Nimbakri, between Koumana-Nimbakri, between Koumana-Forkoumaï, between Tala-Forkoumaï, between Soumkaïa (Sakumkeïa)-Forkoumaï, between Soumkaïa-Folmaï (Fornumeï), reaches the western bank of the Toubouri (Lake of Fienga) 2 kilometers to the south of Kamargui-Irle (Komergi) and the eastern bank 2 kilometers to the south of Guesseï-Guibi (Gisei-Gibi).

It follows then, to the points half-way between Pia and Made, between Folokoi and Goumoune, then to the point situated 3 kilometers to the south of Karam.

(H) From there it reaches a point on the right bank of the Logone 2 kilometers to the northwest of Ham (stake where astronomical observations were made), a point half-way between Gaya (Gaia) and Tchoymla (Tschoimbla), a point half-way between Tchaguen (Tschaken Gogodon) and Bouloussou, the ford of the Ba-Ili on the way from Tchaguen to Maula, then a point half-way between Moudiguil (Mudigil) and Aloa 3 kilometers to the east of Moudiguil, a point 5 kilometers to the west of Taouane (Tauan) and ends at the mouth of the Ba-Ili in the Chari.

(J) From there it descends the Chari (Schari) even to the point where it empties into Lake Tchad (Tschad).

(K) From the mouth of the principal navigable branch of the Chari into the Tschad, as determined in the map annexed to the present protocol, the boundary line reaches the intersection of the meridian $14^{\circ} 28'$ east of Greenwich ($12^{\circ} 08'$ east of Paris), with the parallel $13^{\circ} 05'$ of latitude north, following this parallel westward up to the Franco-English boundary line (Franco-English Convention, May 29, 1906).

It is understood that the islands of the Tchad situated to the west and to the south of the boundary line above indicated form part of the German territory; those that are situated to the east and to the north form part of the French possessions.

ARTICLE 2.

Germany, in regard to that part of the waters of the Bénoué and of its tributaries included in its territory; France in regard to that part of the waters of the Mayo-Kebbi and the other tributaries of the Bénoué included in its territory, declare themselves respectively obligated to apply and to cause to be respected the dispositions relative to the freedom of navigation and of commerce enumerated under Articles 26, 27, 28, 29, 31, 32, and 33 of the Act of Berlin of February 26, 1885.

Germany and France assure to each other respectively the privilege of these same dispositions in regard to the navigation of the Chari, Logone and of their tributaries.

The contracting Powers pledge themselves respectively to take the necessary measures in order to assure practical freedom of navigation on

the above mentioned watercourses. For this purpose, after the ratification of the present agreement, they shall prepare a common set of navigation rules.

The dispositions of this set of rules shall likewise apply to the navigation on the Congo, the Sangha and their tributaries.

ARTICLE 3.

Within their respective possessions, included in the basins of the Bénoué and its tributaries, the Chari, Logone and their tributaries, as well as in that part of the French territory situated to the south of the thirteenth parallel north, the citizens, the subjects and protégés of the two countries shall be treated on the basis of absolute equality regarding the use of roads or other means of overland communication. Within these same territories, the citizens, the subjects and protégés of the two countries shall be subject to the same rules and enjoy the same advantages, concerning acquisitions and installations necessary for the exercise and development of their commerce and industry.

From these dispositions are excluded the roads and overland ways of communication of the coastal basins of the Kamerun or of the French-Congo not included in the conventional basin of the Congo as defined by the Act of Berlin.

These dispositions, however, apply to the Yola-Ngaoundéré-Koundé-Gaza-Bania road and vice versa.

Within the territories indicated in the first paragraph of the first article the tariffs of taxes or dues that may be established by both parties may not convey any preferential treatment to the citizens, the subjects and protégés of the two countries.

ARTICLE 4.

On Lake Tschad within the territorial waters of Germany and of France and on the watercourses mentioned in the preceding articles with reference to their course where they form the boundary line, the shore dwellers of either the one or the other Power shall have the same fishing and navigating rights.

ARTICLE 5.

The protocol of February 4, 1894, with its annex, as well as the convention of March 15th following are and hereby remain abrogated.

ARTICLE 6.

In faith of which the delegates have drawn up the present protocol and affixed their signatures thereto.

Done at Berlin in duplicate, April 9, 1909.

(Signed) 7. Lindequist. Gleim. v. Danckelman.
Duchêne Moll. Hermite.

Annex.

ARTICLE 1.

The delimitation of the boundary line described in the present agreement must be effectively started within a period of four (4) months after the ratification of the convention.

ARTICLE 2.

The commissioners charged with the delimitation shall be authorized, when the boundary line joins by a straight line two points of the same watercourse, to substitute this watercourse for the straight line referred to, if it is but a short distance therefrom. They shall likewise be authorized to make slight modifications conforming to the natural lines of the ground each time when in common accord they shall deem it useful and convenient, but on the condition not to change the attribution of the villages mentioned in the protocol.

These deviations must be clearly indicated on special maps and submitted for the approval of the two governments. While waiting approval, they shall nevertheless be provisionally valid and therefore respected.

ARTICLE 3.

Wherever, on the bases of the present agreement a portion of the territory shall be taken out of the jurisdiction of a Power to pass within that of the other, the inhabitants thereof shall be authorized to choose in freedom the side of the boundary line on which they wish to settle. They may, within the period of one year after the exchange of the ratifications referred to above, remove their crops as well as their goods.

When the year following the ratification shall have passed by, each of

the contracting Powers shall have the right to determine according to its own domestic legislation the conditions under which the emigration or the immigration of native populations shall take place.

ARTICLE 4.

Whenever the boundary line is determined by the course of a river or stream, the valley shall form the limit. If, however, the valley proper or the line at points where there are rapids cannot be determined the median line of the course of the water shall form the boundary line.

Moreover, in the vicinity of the islands the limit shall pass half-way between the islands and the bank not belonging to the same Power that the latter belong to.

ARTICLE 5.

Without infringing upon the general disposition of Article 4 of the Annex, according to which, regarding the Kadeï, the Boumbé II, and the Chari it is the valley of these rivers which shall form the boundary line, the contracting Powers make the following reservation: In all cases where a regulation regarding ownership of the islands of the rivers above referred to should subsequently become desirable in the interest of the inhabitants of the one or the other bank it shall be necessary to admit of modifications in the attribution of these islands in conformity with mutual propositions made by the representatives of the local administration, under the guarantee of equitable and corresponding compensations.

If in future it should appear that the dispositions defined under Article 1, paragraphs A and B of the present agreement, regarding the ownership of the islands situated in the rivers Kéi, Ntem, Kom, Aïna, Ngoko, and Sangha, were to result in inconveniences, the contracting Powers reserve unto themselves the right to modify these dispositions, under the condition, however, that neither of the two parties shall obtain an advantage thereby without consenting to a similar advantage in behalf of the other.

ARTICLE 6.

By mutual agreement the German and French sections of the south delimitation mission adopt, in regard to the latitude of the stakes, marks of the parallel 2° 10' 20" north, the following values:

NUMBER OF STAKE	DESIGNATION	LATITUDE	DISTANCE IN METERS FROM THE PARAL- LEL 2° 10' 20" TO THE STAKE.	
			NORTH	SOUTH
4	Road from Ndongo to Eta by the valley of the Djua.....	2 09 59,0	..	644
5	Road direct from Suangué (Suanké) to Eta	2 10 18,2	..	55
6	Road, westward from Suangué to Eta..	2 10 20,0
7	River Zoa (Su).....	2 10 21,7	52	...
8	River Sée.....	2 10 22,5	77	...
9	River Missoum-Missoum (Missoum-Mis- sum)	2 10 19,0	..	81
10	River Karagoa.....	2 10 18,0	..	61
11	North of Maka.....	2 10 21,8	55	...
12	River Nsanga.....	2 09 57,4	..	694
13	River Aïna.....	2 10 13,4	..	208

ARTICLE 7.

Stakes No. 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 which mark the southern boundary line, as well as those that it will be necessary to set along the eastern boundary line, are placed under the common protection of the French and German Governments. Should it later become necessary to replace a stake, each government shall delegate a representative for that purpose. If, moreover, it should subsequently become necessary to indicate more exactly the boundary line by new stakes, each government shall appoint a representative for the placing of the additional stakes. The position of these additional stakes shall be determined by the course of the boundary line as traced on the map of the protocol.

ARTICLE 8.

The French Government guarantees to Germany the possession of a territory of 2,500 square kilometers of adjacent lands to the east of the straight line from Bomassa to the point situated 15 kilometers to the south of Mauvey.

In case the area included between this straight line and the boundary line determined in paragraphs B and C of Article 1 should be less than 2,450 square kilometers, it would then be increased to 2,500 square kilometers by the addition of a territory which, starting at the confluence of the Nyoué and Sangha, would be limited on the west and on the east by these two rivers and by the corresponding parallel.

In case the area in question should be more than 2,550 square kilometers, it would be reduced to 2,500 square kilometers, by changing toward the west the point referred to in paragraph C of Article 1, from which the boundary line must start to reach the point situated 15 kilometers to the south of Mauvey.

If the area in question is between 2,450 and 2,550 square kilometers, no modification shall be made in the boundary line defined in paragraph C of Article 1.

The villages of Ngombaco and Licagota shall remain French in cases where, in consequence of subsequent observations, they should be located to the west of the boundary line, provided that their position has been declared misplaced by less than 5 kilometers in relation to the position assigned to them on the map of the protocol, and as well in the case where the misplacing of their position to the west should be more than 4 kilometers, provided they remain located to the east of the boundary line.

These villages, on the other hand, would become German, if the change of position to the west should be more than 5 kilometers, and if, in consequence of that fact, they were to become located to the west of the boundary line.

In either case, the boundary line shall be at least 5 kilometers away from these villages, and if it is necessary, shall be formed by an arc of a circle of a radius of 5 kilometers running either westward or eastward around their center.

ARTICLE 9.

The maps annexed to the present protocol shall be used as basis for its application.

Approved for annexation to the protocol of April 9, 1908.

Berlin, April 9, 1908.

(L. S.)	(Signed)	v. Lindequist.	Gleim.	v. Danckelman.
		Duchêne.	Moll.	Hermite.

The present convention shall be ratified, and the ratifications exchanged at Berlin on or before August 1, 1908.

Within a maximum period of four months after the exchange of these ratifications the evacuation of administrative and military posts that might have been established by each of the contracting Powers outside the limits assigned by the present agreement to their respective possessions must have been accomplished.

By the mere fact of the expiration of this period, the changes of sovereignty resulting from the modifications of the boundary line defined by the present agreement shall be considered as having taken place.

Done at Berlin, in duplicate, April 18, 1908.

(Signed)

V. SCHOEN.

(Signed)

JULES CAMBON.

THE KAMERUN LEASE-CONTRACT.¹

[Translation.]

The following is the text of the lease by which Germany engages itself to cede to the French in the Congo the territories in which provisioning posts are to be established:

First. The German Imperial Government leases to the Government of the French Republic on the Bénoué and on the Mayo-Kébi, and beyond, in the direction of the Logone, territories, the exact number and boundaries of which will be specified hereinafter, but which on both sides of these rivers shall extend to a width of five hundred (500) meters and shall form at the most a lease-surface of fifty (50) hectares;

Second. The lease shall run for ninety-nine (99) consecutive years, from the date when the decision of the boundary commission determining the location of these territories shall have been ratified by the two governments in application of Articles 3 and 4 of the convention of November 4, 1911. But in case neither of the contracting parties, five (5) years before the expiration of the aforementioned period of ninety-nine (99) years shall have given notice of its intention to put an end to the present lease, said lease shall remain in force until the expiration of one (1) year beginning on the day when the one or the other of the two contracting parties shall have denounced the same;

Third. Said territory shall be subject to the laws in force during that period within the German possessions of the Kamerun.

Fourth. One part of the territory thus leased whose extent shall not exceed ten (10) hectares shall be utilized exclusively for the operations of unloading, storing and of transshipping goods, and for all other purposes that may be considered as appertaining to these operations, and the permanent residents together with their families and other servants.

¹ *Le Memorial Diplomatique*, Nov. 19, 1911, p. 620.

shall be the only persons employed for the service and the security of said goods;

Fifth. The Government of the French Republic engages itself:

(a) To close part of said territory mentioned in Article 4 of the present lease (excepting on the side bordering on the Bénoué and the Mayo-Kébi), by means of a wall, or a palisade, or a ditch, or by any other kind of continuous enclosure:

(b) Not to permit, in said part of the territory, entrance or departure of any goods in violation of the German customs regulations. Every act committed in violation of this stipulation will be considered as a fraudulent infringement of the customs laws and punished in consequence:

(c) Not to sell nor to authorize the sale of goods at retail within said part of the territory. The quantitative sale in weight or in measure less than one thousand (1,000) kilograms, one thousand (1,000) liters, or one thousand (1,000) meters, shall be considered as retail sale. It is understood that this stipulation does not apply to goods in transit.

(d) The Government of the French Republic, or its sub-lessors or agents, shall have the right to construct on said portion of the territory store-houses, office buildings, and all other constructions necessary for the operations of unloading, storing and transshipping goods, and in addition to construct within the shore-approaches of the Bénoué and the Mayo-Kébi and beyond, in the direction of Logone, included in the lease, wharves, bridges, docks, and all other works necessary in view of said operations, provided that the plans of each work to be constructed along the shore-approaches of the rivers be communicated to the German authorities for their inspection, so that verification may be made of the fact that these works could in no way interfere with the navigation of the rivers, nor be against the rights of third parties or the customs service;

(e) It is understood that the loading, unloading and storing of goods within said parts of the territory shall be effected in all respects in conformity with the laws then in force in the German possessions of the Kamerun.

Sixth. The Government of the French Republic engages itself to pay annually to the German Imperial Government, on the first of January of each year a rent of one (1) franc;

Seventh. The Government of the French Republic shall have the right to sub-lease all or part of the territories which enter into the

present lease, provided that the sub-lessees make use of these territories for no other purpose than the one specified in the present lease, and that said governments remain responsible toward the German Imperial Government for the observance of the stipulations of the present lease.

Eighth. The German Imperial Government engages itself toward the lessee to fulfill all the obligations that are incumbent upon it in its quality of proprietor of said territory;

Ninth. One (1) year before the expiration of the present lease, in case it were not to be continued, the two governments shall come to an understanding regarding the repurchase or the disposition of the constructions or diverse installations that may be found within the leased territories;

Tenth. The territories included in the lease shall be surveyed and delimited;

Eleventh. In case a difference of opinion should arise between the two governments regarding the interpretation of the lease or any other matter appertaining to this lease, the question shall be settled by the arbitration of a jurist of a third Power designated by mutual agreement between the two governments.

Done at Berlin, November 4, 1911, in duplicate form.

(L. S.) JULES CAMBON.

(L. S.) KIDERLEN.

LETTERS FROM THE GERMAN SECRETARY OF STATE FOR FOREIGN AFFAIRS
TO THE FRENCH AMBASSADOR AT BERLIN EXPLANATORY OF THE
AGREEMENTS BETWEEN GERMANY AND FRANCE RELATING TO MOROCCO
AND THE CONGO.¹

Letter relating to the Moroccan Agreement.

BERLIN, November 4, 1911.

In order to accentuate more precisely the agreement of November 4, 1911, relative to Morocco, and to define its exact signification, I have the honor to inform Your Excellency that if the French Government should consider it its duty to assume the protectorate over Morocco, the Imperial Government would place no obstacle in the way.

Le Memorial Diplomatique, Nov. 19, 1911.

The adhesion of the German Government granted in a general way to the French Government by Article 1 of said convention applies of course to all questions subject to regulation and referred to in the Act of Algeciras.

The German Government by renouncing to ask for the preliminary determination of the share to be accorded German industry in the construction of the railways expects that the French Government will ever be glad to have associations of interest take place between the citizens of the two countries in regard to affairs for which they may respectively obtain the enterprise.

It expects also that the letting for the construction of the railway from Tangiers to Fez which interests all the nations shall not be anticipated by the letting of the construction of works for any other Moroccan railway and that the French Government will propose to the Moroccan Government the opening of the port of Agadir to international commerce. Lastly, when the railway network of general interest shall be studied and laid out the German Government will request the French Government to see to it that the Moroccan administration will exercise real care in regard to the economic interests of Morocco and especially that the determination of the location of lines of general interest may facilitate, as far as possible, the junction of mineral regions with the lines of general interest or with the harbors intended to serve their trade.

Your Excellency has been kind enough to assure me that on the day when the judiciary régime stipulated in Article 9 of the aforementioned convention shall have been organized and when the consular tribunals shall have been replaced, the French Government will take care that the German citizens be placed under the new jurisdiction exactly on the same conditions as French citizens. I am happy to make note of this and to inform Your Excellency at the same time that on the day when this judiciary régime shall go into force after agreement with the Powers, the German Government will consent to the suppression at the same time as the other Powers of its consular tribunals. I will add that to my mind the expression "changes of the régime of protégés" found in Article 12 of the convention of November 4, 1911, relating to Morocco, implies the abrogation, if this is deemed necessary, of that part of the Madrid convention relating to protégés and agricultural associates. Finally, desiring to give to said convention the character of an act destined not only to remove every cause for conflict between our two countries, but also to be an aid to our good relations, we are agreed in

declaring that the differences which might arise between the contracting parties with regard to the interpretation and the application of the dispositions of the convention of November 4 and which might not be settled through diplomatic channels, shall be submitted to an arbitral tribunal organized after the terms of The Hague Convention of October 18, 1907. An agreement shall have to be drawn up, and for that purpose the regulations of the same convention shall be followed, provided no derogation should be made thereto by special agreement at the time of the dispute.

Kindly accept, etc.

KIDERLEN.

Letter relating to the Congo agreement.

BERLIN, November 4, 1911.

My dear Ambassador:

In order to accentuate the spirit in which shall be applied the convention that we have just signed relating to territorial exchanges in equatorial Africa, it is agreed between the two governments that the differences which might arise between the contracting parties regarding the interpretation and the application of the dispositions of this convention shall be submitted to an arbitral tribunal constituted after the terms of the convention of The Hague of October 18, 1907. An agreement will have to be drawn up and for this purpose the regulations of the same convention shall be followed provided no derogation should be made thereto by special agreement at the time of the dispute.

However, if misunderstanding should arise between the members of the technical commission entrusted with the fixing of the delimitation of the frontier line, the number of these agents would be realigned by the appointment of an arbiter designated by mutual agreement of the two governments and belonging to a third Power.

The German Government will always look with favor upon associations of interest between the citizens of the two countries with regard to affairs that they might undertake in the French and German possessions which are the object of the convention of this date.

It is agreed that the application of said convention shall be made according to the rules stipulated in the regulations of the Franco-German Convention of April 18, 1908, regarding the Congo-Kamerun frontier by the protocols which are annexed thereto.

TREATY BETWEEN FRANCE AND SPAIN CONCERNING MOROCCO.¹

Signed at Paris, October 3, 1904.

The President of the French Republic and His Majesty, the King of Spain, desirous of defining the scope of the rights and the guarantee of the interests accruing to France from its Algerian possessions and to Spain from its possessions on the coast of Morocco, have decided to conclude a convention and have named to this effect as their plenipotentiaries, to wit:

The President of the French Republic, His Excellency M. Théophile Delcassé, Deputy, Minister of Foreign Affairs of the French Republic, etc.

And His Majesty, the King of Spain, His Excellency M. de Leon y Castillo, Marquis del Muni, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic, etc.

Who, after having communicated to each other their plenary powers, found in good and due form, have agreed upon the following articles:

I. By the terms of the present convention, Spain adheres to the Franco-English declaration of April 8, 1904,² relative to Morocco and Egypt.

II. The region situated to the west and to the north of the line hereinafter determined constitutes the sphere of influence accruing to Spain from its possessions on the Moroccan coast of the Mediterranean.

Within this zone, Spain reserves unto itself the same action that is accorded France by the second paragraph of Article 2 of the declaration of April 8, 1904, relative to Morocco and Egypt.

Aware, however, of the actual difficulties and of the reciprocal interests calling for their removal, Spain declares that it will not exercise this action except in accord with France during the first period of the application of the present convention, a period which may not exceed fifteen years, beginning with the signing of the convention.

During the same period, France on its part desiring that the rights and the interests accorded to Spain by the present convention be always respected, shall make preliminary communication to the Government of the King of its acts towards the Sultan of Morocco regarding the Spanish sphere of influence.

¹ *Le Memorial Diplomatique*, November 12, 1911.

² Printed in SUPPLEMENT for January, 1912, p. 26.

When this first period shall have expired and as long as the *statu quo* shall last, the acts of France toward the Moroccan Government regarding the sphere of influence reserved to Spain shall not be exercised except in agreement with the Spanish Government.

During the first period, the Government of the French Republic will do all within its power so that in two of the customs ports of the region hereinafter determined, the delegate of the general representative of the bond holders of the Moroccan loan of July 12, 1904, be of Spanish nationality.

Starting from the mouth of the Moulouïa in the Mediterranean Sea, the line referred to above shall follow up the valley of this river even to the alignment of the crest of the nearest heights of the left bank of the river Defla. From this point, and in no case permitted to cut the course of the Moulouïa, the line of demarcation shall reach as directly as possible the crest line separating the basins of the Moulouïa of the river Inaouen from that of the river Kert whence it shall continue westward by the crest line separating the basins of the river Inaouen and of the river Sebou from those of the river Kert and of the river Ouergha in the direction of the most northern crest of the mountain Moulai-Bou-Chta. Thence it shall continue northward, remaining at a distance of at least twenty-five kilometers to the east of the Fez highway at Ksar-el-Kebir, by way of Ouezzan, to the place of junction of the river Loukkos or river El-Kous whose valley it shall descend for a distance of five kilometers after the junction of this river with the aforementioned highway of Ksar-el-Kebir by way of Ouezzan. From this point it shall follow as directly as possible the shore of the Atlantic Ocean above the Ez-Terga lagoon.

This delimitation is in conformity with the delimitation traced on the map annexed to this present convention under No. 1.³

III. In case the political state of Morocco and the Shereefian Government should no longer be able to continue, or if through the weakness of this government or its continued impotency to bring about security and public order, or for any other reason to be established by mutual agreement, the maintenance of the *statu quo* were to become impossible, then Spain might exercise freely its action in the region delimited under the preceding article, which shall henceforth constitute its sphere of influence.

³ Omitted.

IV. The Moroccan Government in virtue of Article E of the treaty of April 26, 1860, having granted to Spain an establishment at Santa-Cruz-de-Mar-Pequena (Ifni), it is agreed that the territory of this establishment shall not extend beyond the course of the river Tazeroualt from its source to its junction with the river Mesa and the course of the river Mesa from this junction to the sea according to the map No. 2 annexed to the present convention.⁴

V. In order to complete the delimitation indicated by Article 1 of the convention of June 27, 1900, it is agreed that the demarcation between the French and Spanish spheres of influence shall start with the intersection of the 14° 20' longitude west of Paris with the 26° of latitude north which it shall follow eastward until its meeting with the 11° longitude west of Paris. It shall ascend this meridian to its junction with the river Draa, then follow the valley of the river Draa until its meeting with the 10° longitude west of Paris and follow the 10° longitude west of Paris even to the crest line between the basins of the river Draa and of the river Sous, and follow in the direction of the river the crest line between the basins of the river Draa and of the river Sous, then between the coastal basins of the river Mesa and of the river Noun even to the point nearest to the source of the river Tazeroualt. This delimitation conforms to the delimitation traced on map No. 2, already mentioned and annexed to the present convention.

VI. Articles 4 and 5 shall be applicable as well as Article 2 of the present convention.

Nevertheless, the Government of the French Republic admits that Spain shall establish itself at any time in the territory defined by Article 4 on the condition of a preliminary understanding with the Sultan.

The Government of the French Republic likewise recognizes henceforth to the Spanish Government absolute liberty of action within the region comprised between 26° and 27° 40' of latitude north and the 11° longitude west of Paris which are situated outside the Moroccan territory.

VII. Spain engages itself neither to alienate nor to cede under any form whatever, even on temporary title, the whole or part of the territories designated by Articles 2, 4 and 5 of the present convention.

VIII. If, by the application of Articles 2, 4 and 5 of the present convention, a military action should impose itself upon one of the con-

⁴ Omitted.

tracting parties, it would immediately give notice thereof to the other party.

In no case appeal shall be made to the assistance of a foreign power.

IX. The city of Tangiers shall maintain its special character conferred upon it by the presence of the diplomatic corps and its municipal and sanitary institutions.

X. As long as the actual political state shall continue, the enterprises of public works, railways, highways, and canals, starting from any point in Morocco to reach into the region defined under Article 2 and vice versa, shall be executed by companies which French and Spanish citizens may organize.

In like manner, it shall be permissible for French and Spanish citizens in Morocco to form associations for the exploitation of mines, quarries, and in a general way for enterprises of an economic nature.

XI. The schools and Spanish establishments actually existing in Morocco shall be respected. The circulation of Spanish money shall be neither stopped nor interfered with. Spaniards shall continue to enjoy in Morocco the rights assured to them by the treaties, conventions and usages in force, included therein the right of navigation and of fishing in the Moroccan waters and harbors.

XII. Frenchmen shall enjoy within the regions designated by Articles 2, 4 and 5 of the present convention the same rights which by the preceding article are granted to Spaniards in the remainder of Morocco.

XIII. In case the Moroccan Government should prohibit the sale of weapons and ammunition within its territory, the two contracting Powers engage themselves to take the necessary measures, in their possession of Africa, to prevent contraband introduction into Morocco of weapons and ammunition.

XIV. It is agreed that the zone defined under paragraph 1 of Article 7 of the Franco-English declaration of April 8, 1904, relative to Morocco and Egypt starts from the coast thirty kilometers to the southeast of Melilla.

XV. In case the denunciation stipulated under paragraph 3 of Article 4 of the Franco-English declaration relative to Morocco and Egypt should be made, the French and Spanish Governments shall come to an understanding regarding the establishment of an economic régime that may especially meet their mutual interests.

XVI. The present convention shall be published when the two governments by mutual agreement shall decide that it may be published without prejudice.

In any event, it may be published by one of the two governments upon the expiration of the first period of its application, a period which is defined under paragraph 3 of Article 2.

In faith of which the respective plenipotentiaries have signed the present convention and affixed their seals thereto.

Done in duplicate form at Paris, October 3, 1904.

DELCASS

DE LÉON Y CASTILLO.

AGREEMENT BETWEEN GERMANY AND RUSSIA RELATING TO PERSIA¹

Signed at St. Petersburg, August 19, 1911.

The Russian and German Governments, in accord with regard to the principle of equal treatment for the commerce of all nations in Persia; and whereas, on the one part, Russia possesses in that country special interests, while on the other Germany pursues on commercial objects, have agreed upon the following articles:

ARTICLE 1

The German Imperial Government declares that it has no intention to request for itself the construction of railways or the concession of navigation or telegraphic services or to support requests of that nature on the part of German or foreign citizens to the north of the line going from Casré to Chirine, passing by way of Ispahan, Yezd and Khakh and reaching the Afghan frontier at the degree latitude of Gachik.

ARTICLE 2.

The Russian Government which intends to obtain from the Persian Government a concession with a view of creating a network of railways in northern Persia engages itself on its part, among other things, to ask for the concession for the construction of a railway which is to start from Teheran and to end at Khanikine, to connect this network of railways on the Turko-Persian frontier with the Sadijeh-Khanikine line as soon as the Bagdad branch railway shall have been completed.

¹ *Le Memorial Diplomatique*, August 20-27, 1911.

When this concession is obtained, the work of construction of the line indicated shall begin at the latest two years after the completion of the Sadidich-Khanikine branch and terminated within the space of four years.

The Russian Government reserves unto itself the right to establish at a proper time the definitive location of the line under consideration; but on this occasion it shall bear in mind the desiderata of the German Government. The two governments shall favor international traffic over the lines from Khanikine to Teheran and from Khanikine to Bagdad and avoid all measures that might interfere therewith, such, for instance, as the creation of transitory customs duties or the application of differential tariffs.

If at the end of a period of two years after the completion of the Sadijeh branch to Khanikine of the railway from Koniah to Bagdad, the construction of the line from Khanikine to Teheran is not commenced, then the Russian Government shall inform the German Government of its renunciation of the concession of this latter line. The German Government, in that case, shall have the right to solicit on its part the concession of said line.

ARTICLE 3.

In view of the general importance which the realization of the Bagdad railway has for international commerce, the Russian Government engages itself not to take any step that might prove an obstacle to the construction of the railway or prevent the participation of capital in this enterprise. Always, of course, with the understanding that no pecuniary or economic damage would accrue thereby to Russia.

ARTICLE 4.

The Russian Government reserves unto itself the right to entrust to a group of foreign financiers the construction of the projected junction between the network of railways in Persia and the Sadijeh to Khanikine line in place of undertaking itself this construction.

ARTICLE 5.

Independently of this, the Russian Government reserves unto itself the right to participate in the works in whatever form it may deem proper, whatever be the mode of construction of the line in question, and to reassume possession of the railway by reimbursing the actual amounts expended by the constructors.

The high contracting parties engage themselves besides to participate annually in the tariff or other privileges which one of the parties may obtain with regard to this line. All the other causes of the present agreement remain valid in all events.

(Signed by Count de Pourtalis, German ambassador, and M. Neratov, Acting Russian Minister of Foreign Affairs.)

[Translation.]

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.¹
CONVENTION OF THE UNION OF PARIS MARCH 20, 1883, FOR THE PROTECTION
OF INDUSTRIAL PROPERTY.

[*Revised at Brussels December 14, 1900, and at Washington
June 2, 1911.*]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc. and King Apostolic of Hungary for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United State of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the Government of Tunis.

Having judged it expedient to make certain modifications and additions to the international convention of March 20, 1883, concerning the creation of an International Union for the Protection of Industrial Property, revised at Brussels December 14, 1900, have named for their plenipotentiaries, to-wit:

His Majesty the Emperor of Germany, King of Prussia

M. le Dr. Haniel Von Haimhausen, Conseiller de l'Ambassade de S. M. l'Empereur d'Allemagne à Washington;

¹ Ex. A, 62d Cong., 2d Sess.

M. Robolski, Conseiller supérieur de Régence, Conseiller rapporteur au Département Impérial de l'Intérieur;

M. le Prof. Dr. Albert Osterrieth;

His Majesty the Emperor of Austria, King of Bohemia, etc., and King Apostolic of Hungary:

For Austria and for Hungary:

S. Exc. M. le Baron Ladislas Hengelmüller de Hengervár, son Conseiller Intime, son Ambassadeur Extraordinaire et Plénipotentiaire à Washington.

For Austria:

S. Exc. M. le Dr. Paul Chevalier Beck de Mannagetta et Lerchenau, S. Conseiller intime, Chef de Section au Ministère I. R. des Travaux publics et Président de l'Office I. R. des Brevets d'invention;

For Hungary:

M. Elemér de Pompéry, Conseiller ministériel à l'Office Royal hongrois des Brevets d'invention:

His Majesty the King of the Belgians:

M. Jules Brunet, Directeur général au Ministère des Affaires étrangères;

M. Georges de Rc, Sénateur suppléant, Délégué de la Belgique aux Conférences pour la protection de la Propriété industrielle de Madrid et de Bruxelles;

M. Albert Capitaine, Avocat à la Court d'appel de Liège;

The President of the United States of Brazil:

M. R. de Lima e Silva, Chargé d'Affaires des États-Unis du Brésil à Washington.

The President of the Republic of Cuba:

S. Exc. M. Rivero, Envoyé extraordinaire et Ministre plénipotentiaire de Cuba à Washington.

His Majesty the King of Denmark:

M. Martin J. C. T. Clan, Consul Général du Danemark à New York;

The President of the Dominican Republic:

S. Exc. M. Emilio C. Joubert, Envoyé extraordinaire et Ministre plénipotentiaire de la République Dominicaine à Washington.

His Majesty the King of Spain:

S. Exc. Don Juan Riaño y Gayangos, S. Envoyé extraordinaire et Ministre plénipotentiaire à Washington.

S. Exc. Don Juan Florez Posada, Directeur de l'École des ingénieurs de Madrid.

The President of the United States of America :

M. Edward Bruce Moore, Commissioner of Patents ;

M. Frederick P. Fish, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de New York.

M. Charles H. Duell, ancien Commissaire des brevets, ancien Juge à la Cour d'appel du District de Colombie, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de New York ;

M. Robert H. Parkinson, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de l'Illinois ;

M. Melville Church, Avocat à la Cour suprême des États-Unis ;

The President of the French Republic :

M. Lefèvre-Pontalis, Conseiller de l'Ambassade de la République française à Washington.

M. Georges Breton, Directeur de l'Office national de la Propriété industrielle ;

M. Michel Pelletier, Avocat à la Cour d'appel de Paris, Délégué aux Conférences pour la protection de la Propriété industrielle de Rome, de Madrid et de Bruxelles ;

M. Georges Maillard, Avocat à la Cour d'appel de Paris ;

His Majesty the King of the United Kingdom of Great Britain, Ireland and the British Territories Beyond the Seas, Emperor of India :

M. Alfred Mitchell Innes, Conseiller de l'Ambassade de S. M. Britannique à Washington.

Sir Alfred Bateman, K. C. M. G., ancien Comptroller General of Commerce, Labor, and Statistics ;

M. W. Temple Franks, Comptroller General of Patents, Designs, and Trademarks ;

His Majesty the King of Italy :

Nob. Lazzaro dei Marchesi Negrotto Cambiaso, Conseiller de l'Ambassade de S. M. le Roi d'Italie à Washington ;

M. Emilio Venezian, Ingénieur, Inspecteur du Ministère de l'Agriculture, du Commerce et de l'Industrie ;

M. le Dr. Giovanni Battista Ceccato, Attaché commercial à l'Ambassade de S. M. le Roi d'Italie à Washington.

His Majesty the Emperor of Japan :

M. K. Matsui, Conseiller de l'Ambassade de S. M. l'Empereur du Japon à Washington ;

M. Morio Nakamatsu, Directeur de l'Office des brevets ;

The President of the United States of Mexico :

M. José de las Fuentes, Ingénieur, Directeur de l'Office des brevets;
His Majesty the King of Norway:

M. L. Aubert, Secrétaire de la Légation de S. M. le Roi de Norvège à Washington;

Her Majesty the Queen of the Netherlands:.

M. le Dr. F. W. J. G. Snyder van Wissenkerke, Directeur de l'Office de la Propriété industrielle, Conseiller au Ministère de la Justice;

The President of the Provisional Government of the Republic of Portugal:

S. Exc. le Vicomte de Alte, Envoyé Extraordinaire et Ministre Plénipotentiaire du Portugal à Washington

His Majesty the King of Servia:

His Majesty the King of Sweden:

S. Exc. M. le Comte Albert Ehrensward, Son Envoyé extraordinaire et Ministre plénipotentiaire à Washington.

The Federal Council of the Swiss Confederation:

S. Exc. M. Paul Ritter, Envoyé extraordinaire et Ministre plénipotentiaire de Suisse à Washington;

M. W. Kraft, Adjoint du Bureau Fédéral de la Propriété Intellectuelle à Berne;

M. Henri Martin, Secrétaire de la Légation de Suisse à Washington;

The President of the French Republic for Tunis:

M. de Peretti de la Rocca, Premier Secrétaire de l'Ambassade de la République française à Washington;

Who, after having been given their full respective powers, made in good and due form, have agreed upon the following articles:

ARTICLE 1.

The contracting countries constitute a state of Union for the protection of industrial property.

ARTICLE 2.

The subjects or citizens of each of the contracting countries shall enjoy, in all the other countries of the Union, with regard to patents of invention, models of utility, industrial designs or models, trademarks, trade names, the statements of place of origin, suppression of unfair competition, the advantages which the respective laws now grant or may hereafter grant to the citizens of that country. Consequently, they shall have the same protection as the latter and the same legal remedies against

any infringements of their rights, provided they comply with the formalities and requirements imposed by the national laws of each state upon its own citizens. Any obligation of domicile or of establishment in the country where the protection is claimed shall not be imposed on the members of the Union.

ARTICLE 3.

The subjects or citizens of countries which do not form part of the Union, who are domiciled or own effective and bona fide industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

ARTICLE 4.

(a) Any person who shall have duly filed an application for a patent, utility model, industrial design or model, or trademark, in one of the contracting countries, or the successor or assignee of such person shall enjoy, for the purpose of filing application in the other countries, and subject to the rights of third parties, a right of priority during the periods hereinafter specified.

(b) Consequently, the subsequent filing in one of the other countries of the Union, prior to the expiration of such periods, shall not be invalidated by acts performed in the interval, especially, by another application, by publication of the invention or the working of the same, by the sale of copies of the design or model, nor by the use of the mark.

(c) The periods of priority above referred to shall be twelve months for patents and models of utility and four months for industrial designs and models as also for trademarks.

(d) Whoever shall wish to avail himself of the priority of an anterior filing, shall be required to make a declaration showing the date and the country of this filing. Each country shall determine at what moment, at the latest, this declaration must be executed. This information shall be mentioned in the publications issued by the competent administration, particularly on patents and the specifications relative thereto. The contracting countries shall require of one who makes a declaration of priority the production of a copy of the application (specification, drawings, etc.) previously filed, certified to be a true copy by the administration which shall have received it. This copy shall be dispensed from any legalisation. It may be required that it be accompanied by a certificate of the date of filing, issuing from this administration, and of a trans-

lation. Other formalities shall not be required for the declaration of priority at the time of the filing of the application. Each contracting country shall determine the consequences of the omission of the formalities prescribed by the present article, unless these consequences exceed the loss of the right of priority.

(e) Later other justifications can be demanded.

ARTICLE 4 $\frac{1}{2}$.

Patents applied for in the different contracting countries by persons admitted to the benefit of the convention in the terms of Articles 2 and 3, shall be independent of the patents obtained for the same invention in the other countries, adherent or not to the Union.

This provision shall be understood in an absolute manner, particularly in the sense that the patents applied for during the term of priority are independent, as much from the point of view of the causes of nullity and of forfeiture as from the point of view of the normal duration.

It applies to all patents existing at the time of entrance into force.

It shall be likewise, in case of accession of new countries, for patents existing on both sides at the time of accession.

ARTICLE 5.

The importation, by the patentee, into the country where the patent has been granted, of articles manufactured in any of the countries of the Union shall not entail forfeiture.

However, the patentee shall be obliged to work his patent according to the laws of the country into which he introduces the patented objects, but with the restriction that the patent shall not be liable to forfeiture because of non-working in one of the countries of the Union until after a term of three years, from the date of the filing of the application in that country, and only in case the patentee shall fail to show sufficient cause for his inaction.

ARTICLE 6.

Every trademark regularly registered in the country of origin shall be admitted to registration and protected as that in the other countries of the Union.

However, there may be refused or invalidated:

1. Marks which are of a nature to infringe rights acquired by third parties in the country where protection is claimed.

2. Marks devoid of all distinctive character, or even composed exclusively of signs or data which may be used in commerce, to designate the kind, quality, quantity, destination, value, place of origin of the products or the time of production, or become common in the current language or the legal and steady customs of commerce of the country where the protection is claimed.

In the estimation of the distinctive character of a mark, all the circumstances existing should be taken into account, particularly the duration of the use of the mark.

3. Marks which are contrary to morals or public order.

The country where the applicant has his principal establishment shall be considered as the country of origin.

If this principal establishment is not located in one of the countries of the Union, that to which the applicant belongs shall be considered as country of origin.

ARTICLE 7.

The nature of the product on which the trademark is to be applied cannot, in any case, be an obstacle to the filing of the mark.

ARTICLE 7½.

The contracting countries agree to admit for filing and to protect marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

Each country shall be judge of the special conditions under which an association may be admitted to have the marks protected.

ARTICLE 8.

Trade names shall be protected in all the countries of the Union without the obligation of filing, whether it be a part or not of a trademark.

ARTICLE 9.

Any product bearing illegally a trademark or a trade name shall be seized at importation in those of the countries of the Union in which this mark or this trade name may have a right to legal protection.

If the laws of a country do not admit of seizure on importation, the seizure shall be replaced by prohibition of importation.

The seizure shall be likewise effected in the country where illegal

affixing shall have been made, or in the country into which the product shall have been imported.

The seizure shall be made at the request of the public ministry, or any other competent authority, or by an interested party, individual or society, in conformity to the interior laws of each country.

The authorities shall not be required to make the seizure in transit.

If the laws of a country admit neither of the seizure on importation nor the prohibition of importation, nor seizure in said country, these measures shall be replaced by the acts and means which the law of such country would assure in like case to its own citizens.

ARTICLE 10.

The provisions of the preceding article shall be applicable to any product bearing falsely, as indication of place of production, the name of a definite locality, when this indication shall be joined to a fictitious or borrowed trade name with an intention to defraud.

The interested party is considered any producer, manufacturer or merchant, engaged in the production, manufacture or commerce of such product, and established either in the locality falsely indicated as place of production or in the region where this locality is situated.

ARTICLE 10½.

All the contracting countries agree to assure to the members of the Union an effective protection against unfair competition.

ARTICLE 11.

The contracting countries shall accord, in conformity with their national laws, a temporary protection to patentable inventions, working models, industrial models or designs, as well as to trademarks, for products exhibited at international expositions, official or officially recognized, organized in the territory of one of them.

ARTICLE 12.

Each of the contracting countries agrees to establish a special service for industrial property and a central office for the communication to the public of patents, working models, industrial models or designs and trademarks.

This service shall publish, as often as possible, an official periodical.

ARTICLE 13.

The international office instituted at Berne under the name of "Bureau international pour la protection de la Propriété industrielle" is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

The international bureau shall centralize information of any nature relative to the protection of industrial property, and form it in a general statistical report which shall be distributed to all administrations. It shall proceed to considerations of common utility interesting to the Union and shall edit, with the aid of the documents put at its disposal by the different administrations, a periodical in the French language on questions concerning the object of the Union.

Numbers of this periodical, like all the documents published by the international bureau, shall be distributed among the administrations of the countries of the Union, in proportion to the number of contributive units mentioned below. Copies and supplementary documents which shall be requested, either by the said administrations, or by societies or individuals, shall be paid for separately.

The international bureau shall hold itself at all times at the disposition of the members of the Union, to furnish them special information of which they may have need, on the questions relative to the international service of industrial property. It shall make an annual report of its management which shall be communicated to all members of the Union.

The official language of the international bureau shall be French.

The expense of the international bureau shall be borne in common by the contracting countries. They may not, in any case, exceed the sum of sixty thousand francs per year.

In order to determine the contributive part of each of the countries in this sum total of the expenses, the contracting countries and those which later join the Union shall be divided into six classes, each contributing in proportion to a certain number of units, to-wit:

	Units.
Class 1.....	25
Class 2.....	20
Class 3.....	15
Class 4.....	10
Class 5.....	5
Class 6.....	3

These coefficients shall be multiplied by the number of countries of each class, and the sum of the products thus obtained will furnish the number of units by which the total expenses are to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession, the class in which it wishes to be ranked.

The Government of the Swiss Confederation shall supervise the expenses of the international bureau, make necessary advances and draw up annual statements of accounts which shall be communicated to all the other administrations.

ARTICLE 14.

The present convention shall be submitted to periodical revisions with a view to introducing improvements in it of a nature to perfect the system of the Union.

To this end conferences of the delegates of the contracting countries shall be held successively in one of the said countries.

The administration of the country where the conference is to be held shall prepare, with the concurrence of the international bureau the works of such conference.

The director of the international bureau will assist at the meetings of the conferences and take part in the discussions without a vote.

ARTICLE 15.

It is understood that the contracting countries reserve to themselves respectively the right to make separately, between themselves, special arrangements for the protection of industrial property, in so far as these arrangements may not interfere with the provisions of the present convention.

ARTICLE 16.

The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request.

Notice of adhesion shall be made through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the others.

It shall entail complete adhesion to all the clauses and admission to all the advantages stipulated by the present convention, and shall take effect one month after the notification made by the Government of the Swiss Confederation to the other unionist countries, unless a later date shall have been indicated by the adhering country.

ARTICLE 16½.

The contracting countries have the right to adhere at any time to the present convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

They may, to this end, either make a general declaration by which all their colonies, possessions, dependencies and protectorates are included in the adherence, or expressly name those included therein, or simply indicate those excluded from it.

This declaration shall be made in writing to the Government of the Swiss Confederation and by the latter made to all the others.

The contracting countries can, under like conditions, renounce the convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

ARTICLE 17.

The fulfillment of the reciprocal obligations contained in the present convention is subordinated, in so far as need be, to compliance with the formalities and regulations established by the constitutional laws of those of the contracting countries which are bound to secure the application of the same which they engage to do with the least possible delay.

ARTICLE 17½.

The convention shall remain in force an indefinite time, until the expiration of one year from the day when the renunciation shall be made.

This renunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country giving such notice, the convention remaining operative as to the other contracting countries.

ARTICLE 18.

The present act shall be ratified, and the ratifications filed in Washington, at the latest, April 1, 1913. It shall be put into execution, among the countries which shall have ratified it, one month after the expiration of this period of time.

This act, with its Final Protocol, shall replace, in the relations of the countries which shall have ratified it: the Convention of Paris, March 20, 1883; the Final Protocol annexed to that Act; the Protocol of Madrid, April 15, 1891, relating to the dotation of the international Bureau, and the additional Act of Brussels, December 14, 1900. However, the acts cited shall remain binding on the countries which shall not have ratified the present act.

ARTICLE 19.

The present act shall be signed in a single copy, which shall be filed in the archives of the Government of the United States. A certified copy shall be sent by the latter to each of the unionist governments.

In witness whereof, the respective plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the second day of June, 1911.

For Germany:

HANIEL VON HAIMHAUSEN.

H. ROBOLSKI.

ALBERT OSTERRIETH.

For Austria and for Hungary:

L. BARON DE HENGELMULLER,

Ambassadeur d'Autriche-Hongrie.

For Austria:

DR. PAUL CHEVALIER BECK.

DE MANNAGETTA ET LERCHENAU,

Chef de Section et Président de l'Office I. R. des Brevets d'invention.

For Hungary:

ELEMÉR DE POMPÉRY,

Counseiller ministériel à l'Office Royal hongrois Brevets d'invention.

For Belgium:

J. BRUNET.

GEORGES DE RO.

CAPITAINE.

For Brazil:

R. DE LIMA E SILVA.

For Cuba:

ANTONIO MARTIN RIVERO.

For Denmark:

J. CLAN.

For the Dominican Republic:

EMILIO C. JOUBERT.

For Spain:

JUAN RIAÑO Y GAYANGOS.

J. FLOREZ POSADA.

For the United States of America:

EDWARD BRUCE MOO

MELVILLE CHURCH.

CHARLES H. DUELL.

ROBT. H. PARKINSON.

FREDERICK P. FISH.

For France:

PIERRE LEFÈVRE-PONTALIS,
G. BRETON.
MICHEL PELLETIER.
GEORGES MAILLARD.

For Great Britain:

A. MITCHELL INNES.
A. E. BATEMAN.
W. TEMPLE FRANKS.

For Italy:

LAZZARO NEGROTTO CAMBIASO
EMILIO VENEZIAN.
G. B. CECCATO.

For Japan:

K. MATSUI.
MORIO NAKAMATSU.

For the United States of Mexico:

J. DE LAS FUENTES.

For Norway:

LUDWIG AUBERT.

For the Netherlands:

SNYDER VAN WISSENKERKE.

For Portugal:

J. F. H. M. DA FRANCA, Vte. D'ALTE

For Servia:

—————.

For Sweden:

ALBERT EHRENSVARD.

For Switzerland:

P. RITTER.
W. KRAFT.
HENRI MARTIN.

For Tunis:

E. DE PERETTI DE LA ROCCA

Final Protocol

At the time of proceeding to the signing of the act concluded on this day, the undersigned plenipotentiaries are agreed upon the following:

AD ARTICLE 1.

The words "Propriete industrielle" (industrial property) shall be taken in their broadest acceptance; they extend to all production in the

domain of agricultural industries (wines, grains, fruits, animals, etc.), and extractives (minerals, mineral waters, etc.).

AD ARTICLE 2.

(a) Under the name of patents are comprised the different kinds of industrial patents admitted by the laws of the contracting countries, such as patents of importation, patents of improvement, etc., for the processes as well as for the products.

(b) It is understood that the provision in Article 2 which dispenses the members of the Union from the obligation of domicile and of establishment has an interpretable character and must, consequently, be applied to all the rights granted by the Convention of March 20, 1883, before the entrance into force of the present act.

(c) It is understood that the provisions of Article 2 do not infringe the laws of each of the contracting countries, in regard to the procedure followed before the courts and the competency of those courts, as well as the election of domicile or the declaration of the selection of an attorney required by the laws on patents, working models, marks, etc.

AD ARTICLE 4.

It is understood that, when an industrial model or design shall have been filed in a country by virtue of the right of priority based on the filing of a working model, the term of priority shall be only that which Article 4 has fixed for industrial models and designs.

AD ARTICLE 6.

It is understood that the provision of the first paragraph of Article 6 does not exclude the right to require of the depositor a certificate of regular registration in the country of origin, issued by competent authority.

It is understood that the use of badges, insignia or public decorations which shall not have been authorized by competent powers, or the use of official signs and stamps of control and of guaranty adopted by a unionist country, may be considered as contrary to public order in the sense of No. 3 of Article 6.

However, marks, which contain, with the authorization of competent powers, the reproduction of badges, decorations or public insignia, shall not be considered as contrary to public order.

It is understood that a mark shall not be considered as contrary to public order for the sole reason that it is not in conformity with some provision of laws on marks, except in the case where such provision itself concerns public order.

The present Final Protocol, which shall be ratified at the same time as the act concluded on this day, shall be considered as forming an integral part of this act, and shall be of like force, value and duration.

In witness whereof; the respective plenipotentiaries have signed the present protocol.

Done at Washington, in a single copy, June 2, 1911.

HANIEL VON HAYMHAUSEN.

H. ROBOLSKI.

ALBERT OSTERRIETH.

L. BARON DE HENGELMULLER.

DR. PAUL CHEVALIER BECK DE MANNAGETTA ET
LERCHENAU.

ELEMÉR POMPÉRY.

J. BRUNET.

GEORGES DE RO.

CAPITAINE.

R. DE LIMA E SILVA.

J. CLAN.

JUAN RIAÑO Y GAYANGOS.

J. FLOREZ POSADA.

EDWARD BRUCE MOORE.

MELVILLE CHURCH.

CHARLES H. DUELL.

FREDERICK P. FISH.

ROBT. H. PARKINSON.

EMILIO C. JOUBERT.

PIERRE LEFÈVRE-PONTALIS

MICHEL PELLETIER.

G. BRETON.

GEORGES MAILLARD.

A. MITCHELL INNES.

A. E. BATEMAN.

W. TEMPLE FRANKS.

LAZZARO NEGROTTA CAMBIASO.

EMILIO VENEZIAN.

G. B. CECCATO.
K. MATSUI.
MORIO NAKAMATSU.
J. DE LAS FUENTES.
SNYDER VAN WISSENKERKE.
J. F. H. M. DA FRANCA, VTE D'ALTE.
ALBERT EHRENSVÄRD.
P. RITTER.
W. KRAFT.
HENRI MARTIN.
E. DE PERETTI DE LA ROCCA
LUDWIG AUBERT.
ANTONIO MARTIN RIVERO.

NATURALIZATION LAW OF SIAM.

May 18, 1911.

By the King's Most Excellent Majesty.

Whereas it is advisable to make definite rules for the granting of naturalization as one of the various ways in which Siamese nationality may be acquired;

It is hereby enacted as follows:

CHAPTER I. — *Short Title. Execution.*

1. This law shall be cited as the "Naturalisation Law 130."
2. The Minister of Foreign Affairs shall have charge and control of the execution of this law. He shall have power to frame regulations for such execution, more particularly to prescribe the forms of any applications or declarations and the amount of fees to be paid. These regulations, on being sanctioned by His Majesty and published in the "Government Gazette," shall be deemed to be part of this law.

CHAPTER II. — *Conditions Required for Naturalisation.*

3. Any alien who complies with the conditions required by Articles 6 and 7 may apply to be naturalised as a Siamese subject.
4. The grant or refusal of naturalisation lies entirely in the discretion of the government.

5. The application shall be made in writing and shall be directed to the Minister of Foreign Affairs.

6. No naturalisation may be granted unless —

(1.) The applicant be of full age, both according to the Siamese law and the law of his nationality; and

(2.) The applicant be residing in Siam at the time of his application; and

(3.) The applicant has resided in Siam for not less than five years; and

(4.) The applicant be a person of good character and in possession of sufficient means of support.

7. The five years' residence in Siam is not required in the following cases:

(1.) If the applicant has rendered services of an exceptional nature to Siamese Government; or

(2.) If the applicant was originally a Siamese subject who has been naturalised abroad with the sanction of the Siamese Government and who now desires to resume his Siamese nationality;

(3.) If the applicant is a child of an alien who was naturalised as a Siamese subject, and if, at the time of the naturalisation of such alien, he was of full age, both according to the Siamese law and according to the law of his nationality.

8. Naturalisation may be granted only on the royal sanction being first obtained.

9. The Minister of Foreign Affairs, on receiving the royal sanction and after the applicant has taken the oath of allegiance, shall issue a notification ("prakat") to the effect that the applicant has been naturalised as a Siamese subject.

CHAPTER III. — *Effects of Naturalisation.*

11. From the date of publication of the notification in the "Government Gazette" the naturalised person shall acquire all the rights and shall be subject to all obligations attendant upon the status of a Siamese subject.

12. The wife or wives of a naturalised person become as of right Siamese subjects.

13. Every child of a naturalised person, who is not of full age at the time of the naturalisation, becomes as of right a Siamese subject. Provided that such child may decline Siamese nationality and resume

his former nationality by making a declaration of alienage to the Minister of Foreign Affairs within one year after attaining full age.

The declarant shall be entitled to an acknowledgment of the receipt of his declaration.

14. An alien who has been naturalised in Siam shall not, while within the limits of the foreign state of which he was previously a subject, be able to take advantage of his Siamese nationality, unless by law of that state or by any treaty concluded with it he is permitted to take such advantage.

In like manner, a Siamese subject who has been naturalised in a foreign state shall not, while in Siam, be able to take advantage of his status as a naturalised foreign subject unless he has been naturalised with the sanction of the Siamese Government.

15. Every Siamese subject, whether natural born or naturalised, who duly ceases to be a Siamese subject and becomes the subject of a foreign state, shall lose the special rights attached to the status of a Siamese subject.

TREATY BETWEEN THE UNITED KINGDOM AND SIAM RESPECTING THE
EXTRADITION OF FUGITIVE CRIMINALS.¹

*Signed at Bangkok, March 4, 1911; ratifications exchanged at London,
August 1, 1911.*

His majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances be reciprocally delivered up; the said high contracting parties have named as their plenipotentiaries to conclude a treaty for this purpose, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Arthur Peel, Esquire, his envoy extraordinary and minister plenipotentiary at the Court of Bangkok, etc.,

¹ Great Britain Treaty Series, 1911, No. 23.

And his Majesty the King of Siam, H. R. H. Prince Devawongse Varoprakar, his minister for foreign affairs, etc.;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The high contracting parties engage to deliver up to each other persons over whom they respectively exercise jurisdiction who, being accused or convicted of a crime or offence committed in the territory of the one party, shall be found within the territory of the other party, under the circumstances and conditions stated in the present treaty

ARTICLE II.

The crimes or offences for which the extradition is to be granted are the following:

1. Murder, or attempt, or conspiracy to murder.
2. Manslaughter.
3. Assault occasioning actual bodily harm. Malicious wounding or inflicting grievous bodily harm.
4. Counterfeiting or altering money, or uttering counterfeit or altered money.
5. Knowingly making any instrument, tool, or engine adapted or intended for counterfeiting coin.
6. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited, or altered.
7. Embezzlement or larceny.
8. Malicious injury to property, by explosives or otherwise, if the offence be indictable.
9. Obtaining money, goods, or valuable securities by false pretences.
10. Receiving money, valuable security, or other property, knowing the same to have been stolen, embezzled or unlawfully obtained.
11. Crimes against bankruptcy law.
12. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company made criminal by any law for the time being in force.
13. Perjury, or subornation of perjury.
14. Rape.
15. Carnal knowledge, or any attempt to have carnal knowledge of a

girl under the age of puberty, according to the laws of the respective countries.

16. Indecent assault.
17. Procuring miscarriage, administering drugs, or using instruments with intent to procure the miscarriage of a woman.
18. Abduction.
19. Child stealing.
20. Abandoning children, exposing or unlawfully detaining them.
21. Kidnapping and false imprisonment.
22. Burglary or housebreaking.
23. Arson.
24. Robbery with violence.
25. Any malicious act done with intent to endanger the safety of any person in a railway train.
26. Threats by letter or otherwise, with intent to extort.
27. Piracy by law of nations.
28. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
29. Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.
30. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
31. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both states.

Extradition is to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both contracting parties.

Extradition may also be granted at the discretion of the state applied to in respect of any other crime for which, according to the law of both of the contracting parties for the time being in force, the grant can be made.

ARTICLE III.

Either government may, at its absolute discretion, refuse to deliver up its own subjects to the other government.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of Siam, has already been tried and dis-

charged or punished, or is still under trial in the territory of Siam or in the United Kingdom respectively for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of Siam, should be under examination for any crime in the territory of Siam or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE V.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is deemed by the party on whom the demand is made to be one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

ARTICLE VI.

A person surrendered can in no case be detained or tried in the state to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the state by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VII.

The requisition for extradition shall be made through the diplomatic agents of the high contracting parties respectively.

The requisition for the extradition of the accused person must be accompanied by a warrant of arrest issued by the competent authority of the state requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition for extradition relates to a person already convicted, it must be accompanied by a copy of the judgment passed on the convicted person by the competent court of the state that makes the requisition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE VIII.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the state applied to shall proceed to the arrest of the fugitive. The prisoner is then to be brought before a competent magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

ARTICLE IX.

When either of the contracting parties considers the case urgent it may apply for the provisional arrest of the criminal and the safe keeping of any objects relating to the offence.

Such request will be granted, provided the existence of a sentence or warrant of arrest is proved, and the nature of the offence of which the fugitive is accused is clearly stated.

The warrant of arrest to which this article refers should be issued by the competent authorities of the country applying for extradition. The accused shall on arrest be sent as speedily as possible before a competent magistrate.

ARTICLE X.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the state applied to shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in the other state, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:

1. A warrant must purport to be signed by a judge, magistrate, or officer of the other state.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a judge, magistrate, or officer of the other state, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.
3. A certificate of or judicial document stating the fact of a conviction must purport to be certified by a judge, magistrate, or officer of the other state.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the minister of justice or some other minister of the other state; but any other mode

of authentication for the time being permitted by the law of the country where the examination is taken may be substituted for the foregoing.

ARTICLE XI.

The extradition shall not take place unless the evidence be found sufficient according to the laws of the state applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said state, or to prove that the prisoner is the identical person convicted by the courts of the state which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the state applied to. The fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

ARTICLE XII.

If the individual claimed by one of the two high contracting parties in pursuance of the present treaty should be also claimed by one or several other Powers, his extradition shall be granted to that state whose demand is earliest in date.

ARTICLE XIII.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the state applied to, or the proper tribunal thereof shall direct, the fugitive shall be set at liberty.

ARTICLE XIV.

All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the state applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XV.

The high contracting parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered and his conveyance till placed on board the ship; they reciprocally agree to bear such expenses themselves.

ARTICLE XVI.

The stipulations of the present treaty shall be applicable to the colonies and foreign possessions of His Britannic Majesty, so far as the laws for the time being in force in such colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any such colony or foreign possession may be made to the governor or chief authority of such colony or possession by any person authorized to act in such colony or possession as a consular officer of Siam.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the laws of such colonies or foreign possessions will allow, to the provisions of this treaty, by the said governors or chief authorities, who, however, shall be at liberty either to grant the surrender or to refer the matter to His Britannic Majesty's Government.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British colonies and foreign possessions for the surrender of criminals from Siam who may take refuge within such colonies and foreign possessions, on the basis, as nearly as may be, and so far as the laws of such colonies or foreign possessions will allow, of the provisions of the present treaty.

Requisitions for the surrender of a fugitive criminal emanating from any colony or foreign possession of His Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present treaty.

ARTICLE XVII.

The present treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the high contracting parties. It may be terminated by either of the high contracting parties at any time on giving to the other six months' notice of its intention to do so.

The treaty shall be ratified and the ratifications shall be exchanged at London, as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Bangkok, the fourth day of March, 1911, in the 129th year of "Ratanakosindr."

(L. S.) ARTHUR PEEL.

(L. S.) DEVAWONGSE VAROPRAKAR.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
REGARDING DISTURBANCES IN MEXICO.

March 2, 1912.

[No. 1184.]

Whereas serious disturbances and forcible resistance to the authorities of the established Government exist in certain portions of Mexico; and

Whereas under these conditions it is the duty of all persons within the jurisdiction of the United States to refrain from the commission of acts prohibited by the law thereto relating and subversive of the tranquillity of a country with which the United States is at peace; and

Whereas the laws of the United States prohibit under such circumstances all persons within and subject to their jurisdiction from taking part contrary to said laws in any such disturbances adversely to such established government; and

Whereas by express enactment if two or more persons conspire to commit an offense against the United States, any act of one conspirator to effect the object of such conspiracy renders all the conspirators liable to fine and imprisonment; and

Whereas there is reason to believe that citizens of the United States and others within their jurisdiction fail to apprehend the meaning and operation of the applicable laws of the United States as authoritatively interpreted and may be misled into participation in transactions which are violations of said laws and which will render them liable to the severe penalties provided for such violations;

Now, therefore, in recognition of the laws governing and controlling in such matters as well as in discharge of the obligations of the United States towards a friendly country, and as a measure of precaution, and to the end that citizens of the United States and all others within their jurisdiction may be deterred from subjecting themselves to legal forfeitures and penalties;

I, William Howard Taft, President of the United States of America, do hereby admonish all such citizens and other persons to abstain from every violation of the laws hereinbefore referred to, and do hereby warn them that all violations of such laws will be rigorously prosecuted; and I do hereby enjoin upon all officers of the United States charged with the execution of such laws the utmost diligence in preventing violations thereof and in bringing to trial and punishment any offenders against the same; and finally I do hereby give notice that all persons owing

allegiance to the United States who may take part in the disturbances now existing in Mexico, unless in the necessary defense of their persons or property, or who shall otherwise engage in acts subversive of the tranquillity of that country, will do so at their peril and that they can in no wise obtain any protection from the Government of the United States against the appropriate legal consequences of their acts, in so far as such consequences are in accord with equitable justice and humanity and the enlightened principles of international law.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 2nd day of March, in the year of our Lord one thousand nine hundred and twelve, and
[SEAL.] of the Independence of the United States of America the one hundred and thirty-sixth.

WM. H. TAFT

By the President:

HUNTINGTON WILSON,
Acting Secretary of State.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
REGARDING THE EXPORT OF ARMS, ETC., TO MEXICO.

March 14, 1912.

[No. 1185.]

Whereas, a Joint Resolution of Congress, approved March 14th, 1912, reads and provides as follows:—"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress;"

And whereas, it is provided by Section II of the said Joint Resolution, "That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding ten thousand dollars, or imprisonment not exceeding two years, or both:"

Now, therefore, I, WILLIAM HOWARD TAFT, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fourteenth day of March in the year of our Lord one thousand nine hundred and twelve [SEAL.] and of the Independence of the United States of America the one hundred and thirty-sixth.

W. M. H. TAFT.

By the President

HUNTINGTON WILSON,
Acting Secretary of State.

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THE PROVISIONAL CONSTITUTION OF THE REPUBLIC OF CHINA¹

CHAPTER I. *General Provisions*

Article 1. The Republic of China is composed of the Chinese people.

Article 2. The sovereignty of the Chinese Republic is vested in the people.

Article 3. The territory of the Chinese Republic consists of 22 provinces, Inner and Outer Mongolia, Tibet and Chinghai.

Article 4. The sovereignty of the Chinese Republic is exercised by the Advisory Council, the Provisional President, the Cabinet and the Judiciary.

CHAPTER II. *Citizens*

Article 5. Citizens of the Chinese Republic are all equal, and there shall be no racial, class or religious distinctions.

Article 6. Citizens shall enjoy the following rights:

(1) The person of the citizens shall not be arrested, imprisoned, tried or punished except in accordance with law.

(2) The habitations of citizens shall not be entered or searched except in accordance with law.

(3) Citizens shall enjoy the right of the security of their property and the freedom of trade.

(4) Citizens shall have the freedom of speech, of composition, of publication, of assembly and of association.

(5) Citizens shall have the right of the secrecy of their letters.

(6) Citizens shall have the liberty of residence and removal.

(7) Citizens shall have the freedom of religion.

Article 7. Citizens shall have the right to petition the Parliament.

Article 8. Citizens shall have the right of petitioning the executive officials.

¹ Translation from *Peking Daily News*, verified by the Chinese Secretary of the American Legation, Peking, China.

Article 9. Citizens shall have the right to institute proceedings before the judiciary and to receive its trial and judgments.

Article 10. Citizens shall have the right of suing officials in the administrative courts for violation of law or against their rights.

Article 11. Citizens shall have the right of participating in civil examinations.

Article 12. Citizens shall have the right to vote and to be voted for.

Article 13. Citizens shall have the duty to pay taxes according to law.

Article 14. Citizens shall have the duty to enlist as soldiers according to law.

Article 15. The rights of citizens as provided in the present chapter shall be limited or modified by laws provided such limitation or modification shall be deemed necessary for the promotion of public welfare, for the maintenance of public order or on account of extraordinary exigency.

CHAPTER III. *The Advisory Council*

Article 16. The legislative power of the Chinese Republic is exercised by the Advisory Council.

Article 17. The Advisory Council shall be composed of members elected by the several districts as provided in Article 18.

Article 18. The Provinces, Inner and Outer Mongolia, and Tibet shall each elect and depute five members to the Advisory Council and Chinghai shall elect one member.

The election districts and methods of elections shall be decided by the localities concerned.

During the meeting of the Advisory Council each member shall have one vote.

Article 19. The Advisory Council shall have the following powers:

- (1) To pass all law bills.
- (2) To pass the budgets of the Provisional Government.
- (3) To pass laws of taxation, of currency and of weights and measures for the whole country.
- (4) To pass measures for the calling of public loans and to conclude contracts affecting the national treasury.
- (5) To give consent to matters provided in Articles 34, 35, and 40.
- (6) To reply to inquiries from the Provisional Government.
- (7) To receive and consider petitions of citizens.

- (8) To make suggestions to the government on legal or other matters.
- (9) To introduce interpellations to members of the cabinet and to insist on their being present in the Council in making replies thereto.
- (10) To insist on the government investigating into any alleged bribery and infringement of laws by officials.
- (11) To impeach the Provisional President for high treason, by a majority vote of three-fourths of the quorum consisting of more than four-fifths of the total number of the members.
- (12) To impeach members of the cabinet for failure to perform their official duties or for violation of the law, by majority votes of two-thirds of the quorum consisting of over three-fourths of the total number of the members.

Article 20. The Advisory Council shall itself convoke, open and adjourn its own meetings.

Article 21. The meetings of the Advisory Council shall be conducted publicly, but secret meetings may be held at the instigation of members of the cabinet or by the majority vote of its quorum.

Article 22. Matters passed by the Advisory Council shall be communicated to the Provisional President for promulgation and execution.

Article 23. If the Provisional President should veto matters passed by the Advisory Council, he shall, within ten days after he received such resolutions, return the same with stated reasons to the Council for reconsideration. If the same matter should again be passed by a two-thirds vote of the quorum of the Council, it shall be dealt with in accordance with Article 22.

Article 24. The President of the Advisory Council shall be elected by ballots signed by the voting members, and the one who receives more than one-half of the total number of the votes cast shall be elected.

Article 25. Members of the Advisory Council shall not, outside the Council hall, be responsible for their opinions expressed and votes cast in the Council.

Article 26. Members of the Council shall not be arrested without the permission of the President of the Council, except for crimes committed at the time of arrest and for crimes pertaining to civil and international warfare.

Article 27. Procedures of the Advisory Council shall be decided by its own members.

Article 28. The Advisory Council shall be dissolved on the day of

the convocation of the National Assembly and its powers shall be exercised by the latter.

CHAPTER IV. *The Provisional President and Vice President*

Article 29. The Provisional President and Vice President shall be elected by the Advisory Council, and he who receives two-thirds of the total amount of votes cast by a sitting of the Council consisting of over three-fourths of the total number of members, shall be elected.

Article 30. The Provisional President represents the Provisional Government as the fountain of all executive powers and for promulgating all laws.

Article 31. The Provisional President may issue or cause to be issued orders for the execution of laws and of powers delegated to him by the laws.

Article 32. The Provisional President shall be the commander-in-chief of the army and navy of the whole of China.

Article 33. The Provisional President shall ordain and establish the administrative system and official regulations, but he must first submit them to the Advisory Council for its approval.

Article 34. The Provisional President shall appoint and remove civil and military officials, but in the appointment of members of the cabinet, ambassadors and ministers, he must have the concurrence of the Advisory Council.

Article 35. The Provisional President shall have power, with the concurrence of the Advisory Council, to declare war and conclude treaties.

Article 36. The Provisional President may, in accordance with law, declare a state of siege.

Article 37. The Provisional President shall, representing the whole country, receive ambassadors and ministers of foreign countries.

Article 38. The Provisional President may introduce bills into the Advisory Council.

Article 39. The Provisional President may confer decorations and other insignia of honor.

Article 40. The Provisional President may declare general amnesty, grant special pardon, commute a punishment, and restore rights, but in the case of a general amnesty, he must have the concurrence of the Advisory Council.

Article 41. In case the Provisional President is impeached by the

Advisory Council, he shall be tried by a special court consisting of nine judges elected among the justices of the supreme court of the realm.

Article 42. In case the Provisional President vacates his office for various reasons, or is unable to discharge the powers and duties of the said office, the Provisional Vice President shall take his place.

CHAPTER V. *Members of the Cabinet*

Article 43. The premier and the chiefs of the government departments shall be called members of the cabinet (literally, secretaries of state affairs).

Article 44. Members of the cabinet shall assist the Provisional President in assuming responsibilities.

Article 45. Members of the cabinet shall countersign all bills introduced by the Provisional President and all laws and orders issued by him.

Article 46. Members of the cabinet and their deputies may be present and speak in the Advisory Council.

Article 47. After members of the cabinet have been impeached by the Advisory Council, the Provisional President may remove them from office, but such removal shall be subject to the reconsideration of the Advisory Council.

CHAPTER VI. *The Judiciary*

Article 48. The judiciary shall be composed of those judges appointed by the Provisional President and the Chief of the Department of Justice.

The organization of the courts and the qualifications of judges shall be determined by law.

Article 49. The judiciary shall try civil and criminal cases but cases involving administrative affairs or arising from other particular causes shall be dealt with according to special laws.

Article 50. The trial of cases in the law courts shall be conducted publicly, but those affecting public safety and order may be in camera.

Article 51. Judges shall be independent and shall not be subject to the interference of higher officials.

Article 52. Judges during their continuance in office shall not have their emoluments decreased and shall not be transferred to other offices, nor shall they be removed from office except when they are convicted

of crimes, or of offences punishable according to law by removal from office.

Regulations for the punishment of judges shall be determined by law.

CHAPTER VII. *Supplementary Articles*

Article 53. Within ten months after the promulgation of this Provisional Constitution, the Provisional President shall convene a national assembly, the organization of which and the laws for the election of whose members shall be decided by the Advisory Council.

Article 54. The Constitution of the Republic of China shall be adopted by the National Assembly, but before the promulgation of the Constitution, the provisional constitution shall be as effective as the Constitution itself.

Article 55. The provisional constitution may be amended by the assent of two-thirds of the members of the Advisory Council or upon the application of the Provisional President, and being passed by over three-fourths of the quorum of the Council consisting of over four-fifths of the total number of its members.

Article 56. The present provisional constitution shall take effect on the date of its promulgation and the fundamental articles for the organization of the Provisional Government shall cease to be effective on the same date.

Sealed by
THE ADVISORY COUNCIL.

March 10, 1st year of the Republic of China.

AGREEMENT BETWEEN THE UNITED KINGDOM AND FRANCE REGULATING THE TELEPHONE SERVICE BETWEEN THE TWO COUNTRIES ¹

Signed at Paris, February 5, 1912

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of abrogating the convention regulating the telephone service between Great Britain and France, signed at Paris on July 29th, 1902, and of concluding a fresh agreement on the subject:

¹ Great Britain, Treaty Series, 1912, No. 8.

The undersigned, duly authorized by their respective governments, have agreed upon the following articles:—

ARTICLE I

Telephonic correspondence between Great Britain and France shall be maintained by means of submarine cables and land wires, whose diameter, conductivity and insulation shall be adapted to the conditions under which the service has to be carried on. The number of wires shall be increased, by mutual agreement between the two administrations, according to the requirements of the service.

The wires shall be protected, as far as possible, against disturbing influences, and especially against those which might result from the proximity of circuits carrying electrical power currents.

Each administration shall carry out at its own cost the erection and maintenance of the telephone lines on its own territory.

Telephonic communications can originate at, or be destined to, public call-offices and subscribers' offices.

ARTICLE II

The circuits specially allocated to the telephone service shall be exclusively reserved for that service, unless a contrary course shall be agreed upon by the respective administrations.

ARTICLE III

The unit adopted, both for the collection of charges and for the duration of communications, is a conversation of three minutes.

ARTICLE IV

- Communications of state shall enjoy the priority accorded to state telegrams by Article 5 of the International Convention of St. Petersburg of the 10th (22nd) July, 1875:

The duration of state communications shall not be limited.

ARTICLE V

The charge shall be paid by the person who asks for the communication. It shall be made up of the total of the elementary charges, which shall be fixed as follows for a conversation of three minutes:—

In Great Britain:

At two francs fifty centimes (2 fr. 50) for conversations originating in, or destined to, the telephonic centres situated in the following counties:

Bedford, Berkshire, Buckingham, Cambridge, Dorset, Essex, Gloucester, Hampshire, Hertford, Huntingdon, Kent, Leicester, Lincoln, London, Middlesex, Norfolk, Northampton, Nottingham, Oxford, Rutland, Somerset, Suffolk, Surrey, Sussex, Warwick, Wiltshire, Worcester (first zone).

At five francs (5 fr.) for conversations originating in, or destined to, the telephonic centres situated in the following counties:

Anglesey, Brecknock, Carnarvon, Cardigan, Carmarthen, Chester, Cornwall, Cumberland, Denbigh, Derby, Devon, Durham, Flint, Glamorgan, Hereford, Lancaster, Merioneth, Montgomery, Monmouth, Northumberland, Pembroke, Radnor, Salop, Stafford, Westmoreland, York (second zone).

At seven francs fifty centimes (7 fr. 50) for conversations originating in, or destined to, the telephonic centres situated in Scotland and in Ireland (third zone).

In France:

At two francs fifty centimes (2 fr. 50) for conversations originating in, or destined to, the telephonic centres of the following departments:

Aisne, Ardennes, Aube, Calvados, Eure, Eure-et-Loir, Loiret, Marne, Meuse, Nord, Oise, Orne, Pas-de-Calais, Seine, Seine-Inférieure, Seine-et-Marne, Seine-et-Oise, Somme, Yonne (first zone).

At five francs (5 fr.) for conversations originating in, or destined to, the telephonic centres of the following departments:

Ain, Allier, Charente, Charente-Inférieure, Cher, Côte-d'Or, Côtes-du-Nord, Creuse, Doubs, Finistère, Ile-et-Vilaine, Indre, Indre-et-Loire, Isère, Jura, Loire, Loire-Inférieure, Loir-et-Cher, Maine-et-Loire, Manche, Marne (Haute-), Mayenne, Meurthe-et-Moselle, Morbihan, Nièvre, Puy-de-Dôme, Rhône, Saône (Haute-) and the Territory of Belfort, Saône-et-Loire, Sarthe, Savoie, Savoie (Haute-), Sévres (Deux-), Vendée, Vienne, Vienne (Haute-), Vosges (second zone).

At seven francs fifty centimes (7 fr. 50) for conversations originating in, or destined to, the telephonic centres of the following departments:

Alpes (Basses-), Alpes (Hautes-), Alpes-Maritimes, Ardèche, Ariège, Aude, Aveyron, Bouches-du-Rhône, Cantal, Corrèze, Dordogne, Drôme, Gard, Garonne (Haute-), Gers, Gironde, Herault, Landes, Loire (Haute-),

Lot, Lot-et-Garonne, Lozère, Pyrénées (Basses-), Pyrénées (Hautes-), Pyrénées-Orientales, Tarn, Tarn-et-Garonne, Var, Vaucluse (third zone).

These rates include the share of each administration in respect of the transit of the submarine cables.

The administrations shall have the power by mutual agreement to alter the elementary charges or reduce them for conversations during the night. They shall also have the power by mutual consent to make any alterations of the zones which shall be rendered necessary by the development of the telephone system of either country.

ARTICLE VI

The two administrations shall determine, by mutual agreement, the allocation of each of the circuits through which international communications shall be established, the towns admitted to the service, and the hours during which the service shall be authorized.

ARTICLE VII

After agreement between the administrations a system of subscription for calls at fixed times during the night may be afforded between the two countries.

ARTICLE VIII

After agreement between the administrations a telephonic advice service may be organized between Great Britain and France.

The administrations shall fix, by mutual agreement, the charges to be applied to telephonic advices.

ARTICLE IX

Each administration shall receive as its share in respect of the transit over its territory, and also in respect of the transit through the submarine cables, the appropriate elementary charges set forth in Article 5.

The receipts from the telephonic service shall form the subject, on the part of each administration, of a special account, distinct from that for telegraph receipts.

ARTICLE X

After agreement, each of the two administrations shall be at liberty to establish telephonic relations with another country through the telephonic system of the other administration.

ARTICLE XI

In virtue of Article 8 of the International Convention of St. Petersburg, each of the contracting parties reserves to itself the right to suspend totally or partially the telephone service, without being liable to any indemnity.

ARTICLE XII

The two administrations shall not be subject to any responsibility on account of private communications by telephone.

ARTICLE XIII

The provisions of the present agreement shall be completed by service regulations, which shall be settled by mutual agreement between the two administrations.

ARTICLE XIV

The present agreement cancels the convention concluded at Paris on the 29th July, 1902.

It shall take effect on a date to be fixed by the contracting administrations after it has become operative according to the particular law of each of the two countries.

It shall remain in force for one year after its denunciation by one or other of the two administrations.

Done, in duplicate, at Paris on the 5th of February, 1912.

(L. S.) FRANCIS BERTIE.

(L. S.) R. POINCARÉ.

AN ACT TO AMEND THE LAW RELATING TO MERCHANT SHIPPING WITH A VIEW TO ENABLING CERTAIN CONVENTIONS TO BE CARRIED INTO EFFECT.¹

[16th December 1911.]

(1 & 2 George 5, Ch. 57)

Whereas at the conference held at Brussels in the year nineteen hundred and ten two conventions, dealing respectively with collisions between vessels and with salvage, were signed on behalf of His Majesty,

¹ Law Reports, 1911, Part III, p. 453.

and it is desirable that such amendments should be made in the law relating to merchant shipping as will enable effect to be given to the conventions:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions as to collisions, etc.

1. — (1) Where, by the fault of two or more vessels, damage or loss is caused to one or more of those vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault:

Provided that —

- (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally; and
- (b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed; and
- (c) nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(2) For the purposes of this Act, the expression "freight" includes passage money and hire, and references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

2. Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several:

Provided that nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such

loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

3. — (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault:

Provided that no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(2) In addition to any other remedy provided by law, the persons entitled to any such contribution as aforesaid shall, for the purpose of recovering the same, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

4. — (1) Subsection (4) of section four hundred and nineteen of the Merchant Shipping Act, 1894 (which provides that a ship shall be deemed in fault in a case of collision where any of the collision regulations have been infringed by that ship), is hereby repealed.

(2) The failure of the master or person in charge of a vessel to comply with the provisions of section four hundred and twenty-two of the Merchant Shipping Act, 1894 (which imposes a duty upon masters and persons in charge of vessels after a collision to stand by and assist the other vessel), shall not raise any presumption of law that the collision was caused by his wrongful act, neglect, or default, and accordingly subsection (2) of that section shall be repealed.

5. Any enactment which confers on any court admiralty jurisdiction in respect of damage shall have effect as though references to such damage included references to damages for loss of life or personal injury, and accordingly proceedings in respect of such damages may be brought in rem or in personam.

Provisions as to Salvage

6. — (1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers (if any), render assistance to every person, even if such person

be a subject of a foreign state at war with His Majesty, who is found at sea in danger of being lost, and, if he fails to do so, he shall be guilty of a misdemeanor.

(2) Compliance by the master or person in charge of a vessel with the provisions of this section shall not affect his right or the right of any other person to salvage.

7. Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the service of any foreign vessel, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

General Provisions

8. No action shall be maintainable to enforce any claim or lien against a vessel or her owners in respect of any damage or loss to another vessel, her cargo or freight or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former vessel, whether such vessel be wholly or partly in fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered, and an action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment:

Provided that any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.

9. — (1) This Act shall extend throughout His Majesty's dominions and to any territories under his protection, and to Cyprus:

Provided that it shall not extend to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) This Act shall not apply in any case in which proceedings have been taken before the passing thereof and all such cases shall be determined as though this Act had not been passed.

(3) The provisions of this Act shall be applied in all cases heard and determined in any court having jurisdiction to deal with the case and in whatever waters the damage or loss in question was caused or the salvage services in question were rendered, and subsection (9) of section twenty-five of the Supreme Court of Judicature Act, 1873, shall cease to have effect.

(4) This Act shall apply to any persons other than the owners responsible for the fault of the vessel as though the expression "owners" included such persons, and in any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Act shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible.

10. This Act may be cited as the Maritime Conventions Act, 1911, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1907.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING
FOR THE PRESERVATION AND PROTECTION OF FUR SEALS ¹

*Signed at Washington, February 7, 1911; ratifications exchanged
July 7, 1911*

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of adopting effective measures for the preservation and protection of the fur seals, have resolved to conclude a treaty for that purpose and to that end have named as their plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to each other their respective full powers,

¹ U. S. Treaty Series, No. 563.

which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

The high contracting parties mutually and reciprocally agree that their citizens and subjects, respectively, and all persons subject to their laws and treaties, and their vessels shall be prohibited while this article remains in force from engaging in pelagic sealing in that part of the Behring Sea and North Pacific Ocean north of the thirty-fifth degree of north latitude and east of the one hundred and eightieth meridian, and that every such person or vessel offending against this prohibition may be seized and detained by the naval or other duly commissioned officers of either of the high contracting parties, but they shall be delivered as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offense and impose the penalties for the same, the witnesses and proof necessary to establish the offense being also sent with them, or otherwise furnished to the proper jurisdictional authority with all reasonable promptitude; and they agree, further, respectively, to prohibit during the same period the use of any United States or British port by any persons for any purposes whatsoever connected with the operations of pelagic sealing in said waters, and to prohibit during the same period the importation or bringing of any fur-seal skins taken in such pelagic sealing into any United States or British port, and by the necessary legislation and enforcement of appropriate penalties thereunder to make such prohibitions effective.

Such prohibitions, however, shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain and carrying on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each, in the way hitherto practiced by the Indians, without the use of firearms, provided such Indians are not in the employment of other persons, nor under contract for the delivery of the skins to any person.

ARTICLE II

The United States agrees that one-fifth ($\frac{1}{5}$) in number and in value of the total number of sealskins taken annually upon the Pribilof Islands, or any other islands or shores of the waters above defined, subject

to the jurisdiction of the United States, to which the seal herd now frequenting the Pribilof Islands hereafter resorts, shall be delivered at the end of each season to an authorized agent of the Canadian Government in the Pribilof Islands: *Provided, however*, That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its numbers.

ARTICLE III

It is further agreed that as soon as this article goes into effect the United States shall pay to Great Britain the sum of two hundred thousand dollars (\$200,000) as an advance payment in lieu of such number of fur-seal skins, to which Great Britain would be entitled under the provisions of this treaty, as would be equivalent to that amount reckoned at their market value at London at the date of delivery, before dressing or curing and less cost of transportation from the Pribilof Islands; such market value in case of dispute to be determined by an umpire to be agreed upon by the high contracting parties, which skins shall be retained by the United States in satisfaction of such payment.

The United States further agrees that Great Britain's share of the sealskins taken on the Pribilof Islands shall not be less than one thousand (1,000) in any year, even if such number is more than one-fifth of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain the sum of ten thousand dollars (\$10,000) annually in lieu of any share of skins during the years when no killing is allowed, and Great Britain agrees that after deducting the skins of Great Britain's share which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from Great Britain's share over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole

number of the skins so retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four (4) per cent per annum.

If, however, the total number of seals frequenting the Pribilof Islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives, as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE IV

The term "pelagic sealing," as used herein, is defined to be the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea, outside territorial waters.

ARTICLE V

The high contracting parties agree that they will each maintain a guard or patrol in the waters of the North Pacific Ocean and Behring Sea so far as may be necessary for the enforcement of the aforesaid prohibitions.

ARTICLE VI

The foregoing articles shall go into effect as soon as, but not before, an international agreement is concluded and ratified by the Governments of the United States, Great Britain, Japan, and Russia, by which each of those Powers shall undertake, by such stipulations as may be mutually acceptable, to prohibit for a period of not less than fifteen years, its own citizens or subjects, and all persons subject to its laws and treaties, from engaging in pelagic sealing in waters including the area defined in Article I, and effectively to enforce such prohibition.²

The foregoing articles of this treaty shall continue in force during the period of fifteen (15) years from the day on which they go into effect and thereafter until terminated by twelve (12) months' written notice given by either the United States or Great Britain to the other, which notice may be given at the expiration of fourteen years or at any time afterwards.

² See international convention signed at Washington, July 7, 1911, printed in SUPPLEMENT, Vol. 5, p. 267. Ratifications deposited December 12, 1911.

ARTICLE VII

The high contracting parties engage to co-operate with each other in urging other Powers whose subjects or citizens may be concerned in the fur-seal fisheries to forego, in virtue of appropriate arrangements, the exercise of the right of pelagic sealing, and also to prohibit the use of their ports and flag in the furtherance of pelagic sealing within the areas covered by such arrangement.

ARTICLE VIII

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the seventh day of February, in the year of our Lord one thousand nine hundred and eleven.

PHILANDER C. KNOX [SEAL.]

JAMES BRYCE [SEAL.]

TREATY BETWEEN THE UNITED KINGDOM AND GREECE FOR THE MUTUAL
SURRENDER OF FUGITIVE CRIMINALS.¹

*Signed at Athens, September 24, 1910; ratifications exchanged at Athens,
December 30, 1911*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Hellenes, having determined, by common consent, to conclude a treaty for the extradition of criminals, have accordingly named as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Francis Edmund Hugh Elliot, a Knight Grand Cross of the

¹ Great Britain, Treaty Series, 1912, No. 6.

Royal Victorian Order, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Grand Cross of the Royal Hellenic Order of the Redeemer, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Athens;

And His Majesty the King of the Hellenes, His Excellency M. Demetrius Kalergi, Officer of the Royal Hellenic Order of the Redeemer, His Majesty's Minister for Foreign Affairs;

Who, after having exhibited to each other their respective full powers and found them in good and due form, have agreed upon the following articles:

ARTICLE I

The high contracting parties engage to deliver up to each other, under certain circumstances and conditions stated in the present treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article 2, committed in the territory of the one party, shall be found within the territory of the other party.

ARTICLE II

Extradition shall be granted for the following crimes or offences when provided for by the laws of the requisitioning state and of the state applied to:

1. Murder (including parricide, infanticide, poisoning), or attempt or conspiracy to murder, manslaughter.
2. Kidnapping and false imprisonment.
3. Abandoning or exposing children below the age of 7 years.
4. Abortion.
5. Abduction of persons under age.
6. Bigamy.
7. Malicious wounding or inflicting grievous bodily harm with premeditation, when such acts cause death (without the intention of killing) or disease or incapacity for personal labour lasting for more than three months, or serious mutilation, or the loss or disablement of a member or organ, or other permanent infirmity.
8. Threats by letter or otherwise with intent to extort.
9. Perjury.
10. Arson.
11. Burglary, housebreaking, larceny, embezzlement, fraudulent misappropriation of property, obtaining property by false pretences.

12. Fraud and embezzlement by public officials; bribery of public officials.

13. Receiving any chattel, money, valuable security; or other property, knowing the same to have been embezzled, stolen, or feloniously obtained.

14. Counterfeiting or altering money, or knowingly bringing into circulation counterfeited or altered money.

15. Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of the coin of the realm.

16. Forgery by writing, or uttering what is forged.

17. Fraudulent bankruptcy.

18. Malicious injury to any house or building calculated to cause danger to life or property.

19. Rape.

Participation in the aforesaid crimes is also included, provided that such participation is punishable by the laws of the demanding state and of the state applied to.

ARTICLE III

No Greek subject shall be surrendered by the Government of His Majesty the King of the Hellenes to the Government of His Britannic Majesty, and no British subject shall be surrendered by his Government to the Government of His Majesty the King of the Hellenes.

ARTICLE IV

Extradition shall not take place if the person claimed on the part of His Britannic Majesty's Government, or of the Government of His Majesty the King of the Hellenes, has already been tried, discharged, or punished, or is waiting trial in the territory of the United Kingdom or in Greece, respectively, for the crime or offence for which his extradition is demanded.

If the person claimed on the part of the Government of His Majesty the King of the Hellenes, or of his Britannic Majesty's Government, should be awaiting trial or undergoing sentence for any other crime or offence in the territory of Greece or in the United Kingdom, respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of sentence.

ARTICLE V

Extradition shall not be granted if exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the state applied to.

Neither shall it be granted in the case of persons convicted by default, or otherwise, unless the sentence inflicted be at least one year's imprisonment.

ARTICLE VI

The person claimed shall not be surrendered if the crime in respect of which extradition is applied for be deemed by the party to whom application is made to be a political offence, or connected with such an offence, or if the person claimed proves that the application for extradition has in fact been made with a view to try or to punish him for an offence of this character.

ARTICLE VII

A person whose surrender has been granted shall in no case be detained or tried in the state to which the surrender has been made for any other crime, or on account of any other matters than those for which extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

The person who has been claimed, and whose extradition shall have been granted, shall not be tried or punished for any political offence committed prior to his extradition, nor for any matter connected with such an offence, nor for any crimes or offences not provided for in the present treaty.

ARTICLE VIII

The requisition for extradition shall be made through the diplomatic agents of the high contracting parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent judicial authority setting forth clearly the nature of the crime or offence with which the person claimed is charged. The said warrant shall also be accompanied by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be

accompanied by a copy of the judgment passed on the convicted person by the competent court of the state that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

In the event of any doubt arising as to whether the crime or offence, in respect of which the prosecution has been instituted, comes within the stipulations of the present treaty, the government applied to shall be at liberty to require all such further information as it may consider necessary or of assistance in order to form an opinion, after which it shall decide what action shall be taken on the demand for extradition.

The requisitioning government, in furnishing such further information to the government applied to, shall, at the same time, place at the disposal of the latter all such documents as may be necessary or useful in enabling it to form an opinion.

ARTICLE IX

In cases of urgency provisional arrest may be effected upon notice being given, by post or telegraph, through the diplomatic channel that one of the documents enumerated in Article 8 has been issued, provided, however, that such notice shall always be given to the Ministry for Foreign Affairs of the state applied to.

Provisional arrest shall be effected in the manner and in accordance with the rules laid down by the laws of the state applied to. It shall not be maintained if, within a period of one month from the date on which it has been effected, the state applied to has not been furnished with one of the documents specified in Article 8 of the present treaty.

ARTICLE X

All papers and documents issued by the authorities of the contracting states which may be produced in virtue of Articles 8 and 13 of the present treaty must be accompanied by an authenticated translation in the French language.

ARTICLE XI

The extradition shall take place only if the evidence be found sufficient, according to the laws of the state applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same state, or if extradition is claimed in respect

of an offence of which the fugitive has been already convicted, to prove that the prisoner is the person convicted, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the state applied to.

ARTICLE XII

Extradition shall be granted in accordance with the rules laid down by the law of the state applied to.

ARTICLE XIII

Warrants, depositions, and affirmations, issued or taken in the dominions of one of the high contracting parties, and copies of such documents as well as certificates or judicial documents stating the fact of a conviction shall be admitted as valid evidence in the proceedings taken in the dominions of the other party, if they bear the signature or are accompanied by the certificate of a judge, magistrate, or officer of the state in which they have been issued or taken, provided that such warrants, depositions, affirmations, copies, certificates, or judicial documents are authenticated, either by the oath of some witness, or by being sealed with the seal of the Minister of Justice or some other minister of state.

ARTICLE XIV

If the accused or sentenced person be not a subject of one of the contracting parties, the government to whom application for extradition is made shall be at liberty to take such action in respect of the application, as it may think fit, and to surrender the person claimed to be tried in the state in which the crime or offence has been committed.

Nevertheless, the Government of His Majesty the King of the Helenes reserves to itself the option of surrendering the person claimed to the state to which he belongs, instead of surrendering him to the state in which the crime or offence has been committed.

ARTICLE XV

If a fugitive criminal who has been arrested has not been surrendered and conveyed away within three months after his arrest, or within three months after the decision of the court upon the return to a writ of *habeas corpus* in the United Kingdom, he shall be set at liberty.

ARTICLE XVI

When extradition is granted all articles connected with the crime or offence, or which may serve as proofs of the crime which are found in the possession of the person claimed at the time of his arrest, or which may be afterwards discovered, shall, if the competent authority of the state applied to so direct, be seized and restored to the requisitioning state.

Such restoration shall be carried out, even if extradition be not carried out owing to the escape or death of the person claimed.

The rights, however, which third persons, not involved in the prosecution, may have acquired over the said articles are reserved, and the latter shall, should the case arise, be restored to them, free of charge, at the termination of the proceedings.

ARTICLE XVII

All expenses arising out of an application for extradition, also the costs of the arrest, maintenance, and transport of the person whose extradition shall have been granted, as well as of the dispatch and forwarding of the articles which, by the provisions of Article 16, are to be returned or restored, shall be borne by the requisitioning state and by the state applied to within the limits of their respective territories.

The cost of transport or other expenses outside the territory of the state applied to shall be borne by the demanding state.

ARTICLE XVIII

The stipulations of the present treaty shall be applicable to the colonies and foreign possessions of His Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such colonies or foreign possessions shall be made to the governor or chief authority of such colony or possession by the chief consular officer of Greece in such colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this treaty, by the said governor or chief authority. He shall, however, be at liberty either to grant the surrender or to refer the matter to his government.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British colonies and foreign possessions for the surrender of criminals from Greece who may take refuge within such

colonies and foreign possessions, on the basis of the provisions of the present treaty.

Requisitions for the surrender of a fugitive criminal emanating from any colony or foreign possession of His Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present treaty.

ARTICLE XIX

The present treaty shall come into operation ten days after its publication in conformity with the laws of the respective countries.

Crimes committed prior to the coming into force of the treaty shall not form the subject of an application for extradition except in cases in which the persons claimed shall have taken refuge in the territory of the state applied to after the exchange of ratifications.

Each of the contracting parties shall be at liberty at any time to denounce the present treaty upon giving six months' notice to the other party of its intention to do so.

It shall be ratified, and the ratifications shall be exchanged at Athens as soon as possible.

Done in duplicate at Athens the twenty-fourth (eleventh) day of September, one thousand nine hundred and ten.

(L. S.) FRANCIS E. H. ELLIOT.

(L. S.) D. KALERGI.

CONVENTION BETWEEN THE UNITED STATES AND OTHER POWERS ESTABLISHING AN INTERNATIONAL LAW COMMISSION.¹

Signed at Rio de Janeiro, August 23, 1906; ratified February 8, 1908

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly author-

¹ U. S. Treaty Series, No. 565. Ratified also by Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Salvador, and Uruguay.

ized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador — Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay — Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

Bolivia — Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

Colombia — Rafael Uribe Uribe; Dr. Guillermo Valencia;

Honduras — Fausto Dávila.

Panamá — Dr. José Domingo de Obaldía;

Cuba — Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

Dominican Republic — E. C. Joubert;

Peru — Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;

El Salvador — Dr. Francisco A. Reyes;

Costa Rica — Dr. Ascención Esquivel;

United States of Mexico — Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;

Guatemala — Dr. Antonio Batres Jáuregui;

Uruguay — Luis Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;

Argentine Republic — Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;

Nicaragua — Luis F. Corea;

United States of Brazil — Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;

United States of America — William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;

Chile — Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luis Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed to establish an international commission of jurists, in the following terms:

Art. 1. There shall be established an international commission of jurists, composed of one representative from each of the signatory states,

appointed by their respective governments, which commission shall meet for the purpose of preparing a draft of a code of private international law and one of public international law, regulating the relations between the nations of America. Two or more governments may appoint a single representative, but such representative shall have but one vote.

Art. 2. Notice of the appointment of the members of the commission shall be addressed by the governments adhering to this convention, to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1st, 1907.

Art. 3. The first meeting of said commission shall be held in the City of Rio de Janeiro during the year 1907. The presence of at least twelve of the representatives of the signatory states shall be necessary for the organization of the commission.

Said commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final meeting to permit of the submission to the signatory states of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

Art. 4. Said commission after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a code of private international law, and the other for the preparation of a code of public international law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or else as provided in the final clause of article three.

In order to expedite and increase the efficiency of this work, both committees may request the governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

Art. 5. In order to determine the subjects to be included within the scope of the work of the commission, the Third International Conference recommends to the commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American states, and furthermore recommends to

the special attention of the commission the treaties of Montevideo of 1889 and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States held in Mexico in 1902, and the discussions thereon; also all other questions which give promise of juridical progress, or which tend to eliminate the causes of misunderstanding or conflicts between said states.

Art. 6. The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to article four, shall be defrayed by all the signatory states in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the commission, which shall be paid to the representatives by their respective governments.

Art. 7. The Fourth International Conference of the American States shall embody in one or more treaties, the principles upon which an agreement may be reached, and shall endeavor to secure their adoption and ratification by the nations of America.

Art. 8. The governments desiring to ratify this convention, shall so advise the Government of the United States of Brazil, in order that the said government may notify the other governments through diplomatic channels, such action taking the place of an exchange of notes.

In testimony whereof the plenipotentiaries and delegates have signed the present convention, and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro the twenty-third day of August, nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

FOR ECUADOR — Emilio Arévalo, Olmedo Alfaro.

FOR PARAGUAY — Manuel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

FOR BOLIVIA — Alberto Gutiérrez, Carlos V. Romero.

FOR COLOMBIA — Rafael Uribe Uribe, Guillermo Valencia.

FOR HONDURAS — Fausto Dávila.

FOR PANAMÁ — José Domingo de Obaldía.

FOR CUBA — Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

FOR THE DOMINICAN REPUBLIC — Emilio C. Joubert.

FOR PERU — Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

FOR THE UNITED STATES OF BRAZIL — Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

FOR EL SALVADOR — Francisco A. Reyes.

FOR COSTA RICA — Ascensión Esquivel.

FOR THE UNITED STATES OF MEXICO — Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

FOR GUATEMALA — Antonio Batres Jáuregui.

FOR URUGUAY — Luis Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

FOR THE ARGENTINE REPUBLIC — J. V. González, José A. Terry, Eduardo L. Bidau.

FOR NICARAGUA — Luís F. Corea.

FOR THE UNITED STATES OF AMERICA — William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

FOR CHILE — Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

INTERNATIONAL OPIUM CONVENTION

Signed at The Hague, January 23, 1912

[Translation.]

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the United States of America; His Majesty the Emperor of China; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Portuguese Republic; His

Majesty the Emperor of all the Russias; His Majesty the King of Siam.

Desirous of advancing a step further on the road opened by the International Commission of Shanghai of 1909;

Determined to bring about the gradual suppression of the abuse of opium, morphine, and cocaine, as also of the drugs prepared or derived from these substances, which give rise or might give rise to similar abuses;

Taking into consideration the necessity and the mutual advantage of an international agreement on this point;

Convinced that in this humanitarian endeavor they will meet with the unanimous adherence of all the states concerned;

Have decided to conclude a convention with this object, and have appointed as their plenipotentiaries:

His Majesty the German Emperor, King of Prussia: his Excellency M. Felix von Müller, Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary at The Hague; M. Delbrück, Privy Councillor; Dr. Grünewald, Councillor of Legation; Dr. Kerp, Privy Councillor, a director in the German Health Department; Dr. Rössler, German Consul at Canton.

The President of the United States of America: Bishop Charles H. Brent; Mr. Hamilton Wright; Mr. H. J. Finger.

His Majesty the Emperor of China: his Excellency Liang Ch'eng, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

The President of the French Republic: M. Henri Brenier, Advisory Inspector of the Agricultural and Commercial Service of Indo-China; M. Pierre Guesde, Administrator of the Civil Service of Indo-China.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Honorable Sir Cecil Clementi Smith, G. C. M. G., Member of the Privy Council; Sir William Stevenson Meyer, K. C. I. E., Chief Secretary of the Government of Madras; Mr. William Grenfell Max Muller, C. B., M. V. O., Councillor of Embassy; Sir William Job Collins, M. D., Deputy Lieutenart of the County of London.

His Majesty the King of Italy: his Excellency Count J. Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of Japan: his Excellency M. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Dr. Tomoe Takagi, Engineer to the Government-General of Formosa; Dr. Kotaro Nishizaki, Technical Expert attached to the Laboratory of the Hygienic Department.

Her Majesty the Queen of the Netherlands: M. J. T. Cremer, formerly Minister for the Colonies, President of the Netherlands Society of Commerce; M. C. Th. van Deventer, Member of the First Chamber of the States-General; M. A. A. de Jongh, formerly Inspector-General, head of the Opium Monopoly in the Dutch Indies; M. J. G. Scheurer, Member of the Second Chamber of the States-General; M. W. G. van Wettum, Inspector of the Opium Monopoly in the Dutch Indies.

His Imperial Majesty the Shah of Persia: Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague.

The President of the Portuguese Republic: his Excellency M. Antonio Maria Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of all the Russias: his Excellency M. Alexander Savinsky, Master of Ceremonies, Councillor of State, Envoy Extraordinary and Minister Plenipotentiary at Stockholm.

His Majesty the King of Siam: his Excellency Phya Akharaj Varadhara, Envoy Extraordinary and Minister Plenipotentiary in London, The Hague, and Brussels; Mr. William J. Archer, C. M. G., Councillor of Legation;

Who, after having deposited their full powers, found in good and due form, have agreed as follows:

CHAPTER I. *Raw Opium*

Definition. By "raw opium" is understood:

The spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport.

ARTICLE I

The contracting Powers shall enact effective laws or regulations for the control of the production and distribution of raw opium, unless laws or regulations on the subject are already in existence.

ARTICLE II

Due regard being had to the differences in their commercial conditions, the contracting Powers shall limit the number of towns, ports, or

other localities through which the export or import of raw opium shall be permitted.

ARTICLE III

The contracting Powers shall take measures —

(a) To prevent the export of raw opium to countries which shall have prohibited its entry, and

(b) To control the export of raw opium to countries which restrict its import, unless regulations on the subject are already in existence.

ARTICLE IV

The contracting Powers shall make regulations requiring that every package containing raw opium intended for export shall be marked in such a way as to indicate its contents, provided that the consignment exceeds 5 kilog.

ARTICLE V

The contracting Powers shall not allow the import and export of raw opium except by duly authorized persons.

CHAPTER II. *Prepared Opium*

Definition. By "prepared opium" is understood:

The product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption.

Prepared opium includes dross and all other residues remaining when opium has been smoked.

ARTICLE VI

The contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence.

ARTICLE VII

The contracting Powers shall prohibit the import and export of prepared opium; those Powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.

ARTICLE VIII

The contracting Powers which are not yet ready to prohibit immediately the export of prepared opium —

(a) Shall restrict the number of towns, ports or other localities through which prepared opium may be exported;

(b) Shall prohibit the export of prepared opium to countries which now forbid, or which may hereafter forbid, the import thereof;

(c) Shall, in the meanwhile, prohibit the consignment of prepared opium to a country which desires to restrict its entry, unless the exporter complies with the regulations of the importing country;

(d) Shall take measures to ensure that every package exported, containing prepared opium, bears a special mark indicating the nature of its contents;

(e) Shall not permit the export of prepared opium except by specially authorized persons.

CHAPTER III. *Medicinal Opium, Morphine, Cocaine, etc.*

Definitions. By "medicinal opium" is understood:

Raw opium which has been heated to 60° centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium, having the chemical formula $C_{17}H_{19}NO_3$.

By "cocaine" is understood:

The principal alkaloid of the leaves of *Erythroxylon Coca*, having the formula $C_{17}H_{21}NO_4$.

By "heroine" is understood:

• Diacetyl-morphine, having the formula $C_{21}H_{23}NO_5$.

ARTICLE IX

The contracting Powers shall enact pharmacy laws or regulations to confine to medical and legitimate purposes the manufacture, sale, and use of morphine, cocaine, and their respective salts unless laws or regulations on the subject are already in existence. They shall co-operate with one another to prevent the use of these drugs for any other purpose.

ARTICLE X

The contracting Powers shall use their best endeavors to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting Powers shall use their best endeavors to adopt, or cause to be adopted, the following measures, unless regulations on the subject are already in existence:

(a) To confine the manufacture of morphine, cocaine, and their respective salts to those establishments and premises alone which have been licensed for the purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured and to keep a register of them;

(b) To require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine, and their respective salts shall be furnished with a license or permit to engage in these operations, or shall make to the competent authorities an official declaration that they are so engaged;

(c) To require that such persons shall enter in their books the quantities manufactured, imports, sales and all other distribution, and exports of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to medical prescriptions and to sales by duly authorized chemists.

ARTICLE XI

The contracting Powers shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts to any unauthorized persons, unless regulations on the subject are already in existence.

ARTICLE XII

Due regard being had to the differences in their conditions, the contracting Powers shall use their best endeavors to restrict to authorized persons the import of morphine, cocaine, and their respective salts.

ARTICLE XIII

The contracting Powers shall use their best endeavors to adopt, or cause to be adopted, measures to ensure that morphine, cocaine, and

their respective salts shall not be exported from their countries, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other contracting Powers, except when consigned to persons furnished with the licenses or permits provided for by the laws or regulations of the importing country.

With this object each government may communicate from time to time to the governments of the exporting countries lists of the persons to whom licenses or permits for the import of morphine, cocaine, and their respective salts have been granted.

ARTICLE XIV

The contracting Powers shall apply the laws and regulations respecting the manufacture, import, sale, or export of morphine, cocaine, and their respective salts —

- (a) To medicinal opium;
- (b) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine, or more than 0.1 per cent of cocaine;
- (c) To heroine, its salts and preparations containing more than 0.1 per cent of heroine;
- (d) To all new derivatives of morphine, of cocaine, or of their respective salts, and to every other alkaloid of opium, which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects.

CHAPTER IV

ARTICLE XV

The contracting Powers having treaties with China (Treaty Powers), shall, in conjunction with the Chinese Government, take the necessary measures to prevent the smuggling into Chinese territory, as well as into their Far-Eastern colonies and into the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine and their respective salts, as also of the substances referred to in Article 14 of the present convention. The Chinese Government shall, on their part, take similar measures for the suppression of the smuggling of opium and of the other substances above referred to from China to the foreign colonies and leased territories.

ARTICLE XVI

The Chinese Government shall promulgate pharmacy laws for their subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances referred to in Article 14 of the present convention, and shall communicate these laws to the governments having treaties with China, through their diplomatic representatives at Peking. The contracting Powers having treaties with China shall examine these laws and, if they find them acceptable, shall take the necessary measures to apply them to their nationals residing in China.

ARTICLE XVII

The contracting Powers having treaties with China shall undertake to adopt the necessary measures to restrict and control the habit of smoking opium in their leased territories, settlements, and concessions in China, to suppress, *pari passu* with the Chinese Government, the opium dens or similar establishments which may still exist there, and to prohibit the use of opium in places of entertainment and brothels.

ARTICLE XVIII

The contracting Powers having treaties with China shall take effective measures for the gradual reduction, *pari passu* with the effective measures which the Chinese Government shall take with the same object, of the number of shops in which raw and prepared opium is sold, which may still exist in their leased territories, settlements, and concessions in China. They shall adopt effective measures for the restriction and control of the retail trade in opium in the leased territories, settlements, and concessions, unless regulations on the subject are already in existence.

ARTICLE XIX

The contracting Powers having post offices in China shall adopt effective measures to prohibit the illegal import into China in the form of postal packages, as well as the illegal transmission through these offices from one place in China to another, of opium (raw or prepared), morphine, cocaine, and their respective salts, and of the other substances referred to in Article 14 of the present convention.

CHAPTER V

ARTICLE XX

The contracting Powers shall examine the possibility of enacting laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence.

ARTICLE XXI

The contracting Powers shall communicate to one another, through the Ministry of Foreign Affairs of the Netherlands —

(a) The texts of the existing laws and administrative regulations respecting the matters referred to in the present convention, or promulgated in virtue of the clauses thereof;

(b) Statistical information as regards the trade in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as in the other drugs or their salts or preparations referred to in the present convention.

These statistics shall be furnished with as many details and within a period as short as may be considered possible.

CHAPTER VI. *Final Provisions*

ARTICLE XXII

Any Power not represented at the conference shall be allowed to sign the present convention.

With this object the Government of the Netherlands will, immediately after the signature of the convention by the plenipotentiaries of the Powers which have taken part in the conference, invite all the Powers of Europe and America not represented at the conference, that is to say:

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, the Republic of Cuba, Denmark, the Dominican Republic, the Republic of Ecuador, Spain, Greece, Guatemala, the Republic of Haiti, Honduras, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Panamá, Paraguay, Peru, Roumania, Salvador, Servia, Sweden, Switzerland, Turkey, Uruguay, the United States of Venezuela,

To appoint a delegate, furnished with the necessary full powers, to sign the convention at The Hague.

These signatures shall be affixed to the convention by means of a "Protocol of signature by Powers not represented at the conference," to be added after the signatures of the Powers represented, the date of each signature being mentioned.

The Government of the Netherlands will, every month, notify the signatory Powers of each supplementary signature.

ARTICLE XXIII

After all the Powers, as well on their own behalf as on behalf of their possessions, colonies, protectorates, and leased territories, have signed the convention or the supplementary protocol above referred to, the Government of the Netherlands will invite all the Powers to ratify the convention with this protocol.

In the event of the signatures of all the Powers invited not having been obtained on the date of the 31st December, 1912, the Government of the Netherlands will immediately invite the Powers who have signed by that date to appoint delegates to examine at The Hague the possibility of depositing their ratifications notwithstanding.

The ratification shall take place within as short a period as possible and shall be deposited at the Ministry of Foreign Affairs at The Hague.

The Government of the Netherlands will every month notify the signatory Powers of the ratifications which they have received in the interval.

As soon as the ratifications of all the signatory Powers, as well on their own behalf as on behalf of their own colonies, possessions, protectorates, and leased territories, have been received by the Government of the Netherlands, the latter will notify all the Powers who have ratified the convention of the date on which it received the last instrument of ratification.

ARTICLE XXIV

The present convention shall come into force three months after the date mentioned in the notification by the Government of the Netherlands, referred to in the last paragraph of the preceding article.

With regard to the laws, regulations, or other measures contemplated by the present convention, it is agreed that the bills or drafts required for this purpose shall be prepared not later than six months after the

entry into force of the convention. As regards the laws, they shall also be submitted by their governments to the parliaments or legislative bodies within the same period of six months, or in any case at the first session following the expiration of this period.

The date on which these laws, regulations, or measures shall come into force shall form the subject of an agreement between the contracting Powers, at the instance of the Government of the Netherlands.

In the event of questions arising relative to the ratification of the present convention, or to the enforcement either of the convention or of the laws, regulations, or measures resulting therefrom, the Government of the Netherlands will, if these questions cannot be settled by other means, invite all the contracting Powers to appoint delegates to meet at The Hague in order to arrive at an immediate agreement on these questions.

ARTICLE XXV

If one of the contracting Powers should wish to denounce the present convention, the denunciation shall be notified in writing to the Government of the Netherlands, who will immediately communicate a certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the Power which notified it, and one year after the notification thereof has reached the Government of the Netherlands.

In witness whereof the plenipotentiaries have affixed their signatures to the present convention.

Done at The Hague the 23rd January, 1912, in a single copy, which shall be deposited and remain in the archives of the Government of the Netherlands, and of which certified copies will be transmitted through the diplomatic channel to all the Powers represented at the conference.

For Germany:

F. VON MÜLLER.
DELBRÜCK.
GRÜNENWALD.

For the United States of America:

CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:

LIANG CH'ENG.

For France:

H. BRENIER.

With the reservation that a separate and special ratification or denunciation may subsequently be obtained for the French protectorates.

For Great Britain:

W. S. MEYER.

W. G. MAX MÜLLER.

WILLIAM JOB COLLINS.

With the reservation of the following declaration:

The articles of the present convention, if ratified by His Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hong Kong, and Wei-hai Wei in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland; but His Britannic Majesty's Government reserve the right of signing or denouncing separately the said convention in the name of any dominion, colony, dependency, or protectorate of His Majesty other than those which have been specified.

For Italy:

G. DE LA TOUR CALVELLO.

For Japan:

AIMARO SATO.

TOMOE TAKAGI.

KOTARO NISHIZAKI.

For the Netherlands:

J. T. CREMER.

C. TH. VAN DEVENTER.

A. A. DE JONGH.

J. G. SCHEURER.

For Persia:

MIRZA MAHMOUD KHAN.

With the reservation of Articles 15, 16, 17, 18 and 19 (Persia having no treaty with China), and paragraph (a) of Article 3.

For Portugal:

ANTONIO MARIA BARTHOLOMEU FERREIRA

For Russia:

A. SAVINSKY.

For Siam:

AKHARAJ VARADHARA.

WM. J. ARCHER.

With the reservation of Articles 15, 16, 17, 18 and 19, Siam having no treaty with China. •

Final Protocol of the International Opium Conference

The International Opium Conference proposed by the Government of the United States of America, and convoked by the Government of the Netherlands, assembled at The Hague, in the Hall of the Knights, on the 1st December, 1911.

The governments hereinafter enumerated took part in the conference, for which they had appointed the following delegates:

Germany: his Excellency M. Felix von Müller, Privy Councillor Envoy Extraordinary and Minister Plenipotentiary at The Hague, First Delegate Plenipotentiary; M. Delbrück, Privy Councillor, Delegate Plenipotentiary; Dr. Grünenwald, Councillor of Legation, Delegate Plenipotentiary; Dr. Kerp, Privy Councillor, Director of the German Health Department, Delegate Plenipotentiary; Dr. Rössler, German Consul at Canton, Delegate Plenipotentiary.

The United States of America: Bishop Charles H. Brent, Delegate Plenipotentiary; Mr. Hamilton Wright, Delegate Plenipotentiary; Mr. H. J. Finger, Delegate Plenipotentiary.

China: his Excellency Liang Ch'eng, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary; T'ang Kwo-an, Assistant Secretary at the Wai-wu Pu, Delegate; Tchang Tsu-Sueng, chargé d'affaires, *ad interim* at The Hague, Delegate; Dr. Wu Lien-Teh, M. D. (Cambridge), Surgeon-Major, Director of the School of Medicine, Delegate; M. F. A. Carl, formerly Commissioner of the Imperial Maritime Customs at Newchwang, Delegate; M. A. J. Commijs, Assistant Secretary in the Department of Inspector-General of Imperial Maritime Customs, Delegate.

France: M. Henri Brenier, Advisory Inspector of the Agricultural and Commercial Service of Indo-China, Delegate Plenipotentiary; M. Pierre Guesde, Administrator of the Civil Service of Indo-China, Delegate Plenipotentiary; Dr. Gaide, Surgeon-Major of the Colonial Troops, Technical Adviser.

Great Britain: The Right Honorable Sir Cecil Clementi Smith, G. C. M. G., Member of the Privy Council, Delegate Plenipotentiary;

Sir William Stevenson Meyer, K. C. I. E., Chief Secretary to the Government of Madras, Delegate Plenipotentiary; Mr. William Grenfell Max Müller, C. B., M. V. O., Councillor of Embassy, Delegate Plenipotentiary; Sir William Job Collins, M. D., Deputy Lieutenant of the County of London, Delegate Plenipotentiary.

Italy: his Excellency Count J. Sallier de la Tour, Duke of Calvello, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary; Professor Rocco Santoliquido, Member of Parliament, Director-General of Public Health, Delegate.

Japan: his Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary; Dr. Tomoe Takagi, Engineer to the Government-General of Formosa, Delegate Plenipotentiary; Dr. Kotaro Nishizaki, Technical Expert, attached to the Laboratory of the Hygienic Department, Delegate Plenipotentiary.

The Netherlands: M. J. T. Cremer, formerly Minister for the Colonies, President of the Dutch Society of Commerce, Delegate Plenipotentiary; M. C. Th. van Deventer, Member of the First Chamber of the States-General, Delegate Plenipotentiary; M. A. A. de Jongh, formerly Inspector-General, Head of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary; M. J. G. Scheurer, Member of the Second Chamber of the States-General, Delegate Plenipotentiary; M. W. G. van Wettum, Inspector of the Opium Monopoly in the Dutch Indies, Delegate Plenipotentiary.

Persia: Mirza Mahmoud Khan, Secretary of the Persian Legation at The Hague, Delegate Plenipotentiary.

Portugal: his Excellency M. A. M. Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary; M. Oscar George Potier, Consul-General of the First Class, Delegate of the Ministry of Foreign Affairs, Delegate; M. A. Sanches de Miranda, Captain of Artillery, formerly Governor of Colonies, Delegate of the Ministry of the Colonies, Delegate.

Russia: his Excellency M. Alexander Savinsky, Master of Ceremonies of His Majesty the Emperor, Councillor of State, Envoy Extraordinary and Minister Plenipotentiary at Stockholm, Delegate Plenipotentiary; M. Chapiroff, Honorary Physician at the Court of His Majesty the Emperor, Medical Inspector of the Frontier Guards, Delegate.

Siam: his Excellency Phya Akharaj Varadhara, Envoy Extraordinary and Minister Plenipotentiary in London, The Hague, and Brussels,

Delegate Plenipotentiary; Mr. William J. Archer, C. M. G., Councillor of Legation, Delegate Plenipotentiary;

At a series of meetings held from the 1st December, 1911, to the 23rd January, 1912, the conference drew up the annexed text of a convention.

The conference further expressed the following *vœux*:

1. The conference considers it desirable to direct the attention of the Universal Postal Union —

(1) To the urgency of regulating the transmission through the post of raw opium;

(2) To the urgency of regulating as far as possible the transmission through the post of morphine, cocaine, and their respective salts and other substances referred to in article 14 of the convention;

(3) To the necessity of prohibiting the transmission of prepared opium through the post.

2. The conference considers it desirable to study the question of Indian hemp from the statistical and scientific point of view, with the object of regulating its abuses, should the necessity thereof be felt, by internal legislation or by an international agreement.

In witness whereof the plenipotentiaries have affixed their signatures to the present protocol.

Done at The Hague, the 23rd January, 1912, in a single copy, which shall be deposited and remain in the archives of the Netherlands Government, and certified copies of which shall be transmitted through the diplomatic channel to all the Powers represented at the conference.

For Germany:

F. VON MÜLLER.
DELBRÜCK.
GRÜNENWALD.

For the United States of America:

CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:

LIANG CH'ENG.

For France:

H. BRENIER.

For Great Britain:

W. S. MEYER.
W. G. MAX MÜLLER.
WILLIAM JOB COLLINS.

For Italy:

G. DE LA TOUR CALVELLO.

For Japan:

AIMARO SATO.
TOMOE TAKAGI.
KOTARO NISHIZAKI.

For the Netherlands:

J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Persia:

MIRZA MAHMOUD KAHN.

For Portugal:

ANTONIO MARIA BARTHOLOMEU FERREIRA

For Russia:

A. SAVINSKY.

For Siam:

WM. J. ARCHER.

TREATY OF AMITY, COMMERCE, AND NAVIGATION BETWEEN THE REPUBLIC
OF MEXICO AND THE REPUBLIC OF HONDURAS ¹

*Signed in the City of Mexico, March 24, 1908; ratifications exchanged
September 30, 1910*

The Government of the Republic of Mexico and the Government of the Republic of Honduras, animated by the same desire to maintain the cordial relations existing between the two countries, and being equally desirous of strengthening, if possible, the ties of friendship and developing the commercial relations between their respective citizens, have resolved to conclude a treaty of friendship, commerce and navigation on

¹ *Diario Oficial de los Estados Unidos Mexicanos*, Vol. CX, No. 33, October 8, 1910. Translated from the Spanish by Mr. Antonio M. Opisso, of Washington, D. C.

the basis of an equitable reciprocity, for which purpose they have designated as their plenipotentiaries, to wit:

The President of the Republic of Mexico: Don Federico Gamboa, Assistant Secretary of Foreign Relations:

The President of the Republic of Honduras: Señor Dr. Don Policarpo Bonilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Honduras to the Mexican Government;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I

There shall be perpetual peace and friendship between the Republic of Mexico and the Republic of Honduras, as well as between their respective citizens, without exception of persons or place.

If unfortunately there should arise any disagreement or conflict between the two high contracting parties, both of said parties shall endeavor to settle it peaceably and amicably through diplomatic channels; but if notwithstanding such mutual good will, a settlement is not reached, the high contracting parties do solemnly agree to submit the controversy to arbitration, provided, however, the question in dispute does not constitute an attack or an offense against their national integrity or dignity.

As soon as an arbitrator has been appointed, and he has accepted his office, the high contracting parties shall enter into a special agreement which shall determine clearly and precisely the question in dispute, as well as the manner in which the arbitral proceedings shall be conducted.

Should the high contracting parties fail to come to an understanding in regard to the points to be included in the said agreement, the points upon which an understanding has not been reached shall be submitted by the high contracting parties to the decision of the arbitrator who, thereupon, shall be authorized to define beforehand the procedure to be followed in the arbitration.

Should the high contracting parties fail to agree upon the designation of the arbitrator, there shall be constituted an arbitration commission to be composed of one or more individuals, appointed in equal number by each side, to which commission shall be submitted all the questions in dispute. The award of this commission shall be final, and compliance therewith obligatory upon each of the two governments. The arbitrators so elected shall have power to appoint an umpire.

ARTICLE II

The citizens of Mexico in the Republic of Honduras and the citizens of Honduras in the Republic of Mexico, shall enjoy full security and ample protection in regard to their persons, domiciles and property, in the same manner and to the same extent as if they were citizens of the respective countries.

The high contracting parties, however, reserve to themselves the right of excluding or expelling from their respective territories, and in accordance with their laws, those individuals who, by reason of their evil customs, or by their conduct in the civil or international disturbances of the country, may be considered as pernicious foreigners.

The citizens of each of the contracting parties shall enjoy in the territory of the other full liberty of conscience and may practice their own religion in the manner which the constitution and the laws of the country may allow.

ARTICLE III

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall enjoy the same rights as nationals to acquire, possess, and transfer by sale, exchange, donation, denunciation, marriage, testamentary succession, or *ab intestato*, or in any other manner, property of whatever nature situated in the respective territories. Their heirs, as well as their assignees and legal representatives, may succeed therein and enter legally into possession thereof, either personally or through an agent, in the same manner and with the same formalities required in the case of nationals. The property thus acquired, or the proceeds of the sale thereof, may be freely exported without their owners being obliged to pay other or higher fees, charges or export duties on succession or transfer of property than those which natives would be obliged to pay in similar cases.

Succession by will or *ab intestato*, shall, so far as concerns the order and degree of succession, the nature and existence of hereditary rights and the validity of the will, be governed by the laws of the nation to which the deceased belongs, whatever be the nature of the estate and the country wherein it might be situated, and without any other limitations than those especially provided for in regard to real estate by the laws of the country where the same is located; provided, that citizens of the country be subject to the same limitations. Jurisdiction over any action or complaint instituted or brought upon said successions

shall be vested, however, in the courts of the country where the testamentary proceedings are instituted. As regards the statute of limitations in as far as it relates to real estate and real actions concerning said successions, the laws of the nation in which the estate be situated shall govern.

In all these cases, when the owner or the heir or legal representative of the deceased or the assignee be absent, the property shall be treated in the same manner as that of the citizens of the country in which it is found in similar circumstances.

ARTICLE IV

The citizens of one of the high contracting parties residing temporarily or permanently in the territory of the other shall be obliged to respect the institutions of the country, to obey the authorities thereof and to submit to its laws, especially those determining the rights and obligations of foreigners, in the same manner as the citizens or subjects of the most favored nation.

They shall have free and easy access to all courts, in all the instances and in all the degrees of jurisdiction established by law, for the prosecution and defense of their rights and interests, and they shall be at liberty to employ in all cases attorneys, advocates or agents, of whatever description, enjoying, in all that relates to the administration of justice, the same rights and privileges, and being subject to the same obligations, as nationals; but they shall owe complete obedience to the decrees and judgments of the courts, without attempting to institute other proceedings than those which the laws of the country allow to their own citizens.

They shall likewise enjoy the benefit of judicial assistance in accordance with the laws of the country where an application to sue as a pauper has been filed, provided, however, that the applicant should prove his indigent condition before the competent authority.

ARTICLE V

The high contracting parties agree to accept for execution by their respective courts the letters rogatory made or sent by the courts of the other in any civil, commercial, or criminal matter, in regard to summons, notices, interrogatories, declarations, awards by experts, and any other acts in any matter of procedure or investigation. These letters rogatory shall be executed by the judicial authority to which the same

may be sent, provided they are sent through diplomatic channels or from one chancellery to the other, and provided, further, that they are not contrary to the laws of the country where the same are to be executed. These letters rogatory or requisitories shall be returned, complied with or executed *de officio*, or at the expense of the respective parties, according to the case.

ARTICLE VI

The final judgment on any personal action pertaining to any civil or commercial matter rendered by any competent court of one of the high contracting parties shall, if duly authenticated, have the same force and effect in the territory of the other as those emanating from the local courts of the latter; but before execution be issued thereon it shall first be necessary to prove before the competent tribunal of the country wherein it is to be executed: first, that said judgment is really final according to the laws of the country wherein it was rendered; second, that the parties to the action were legally represented, or declared to be contumacious, and judgment in default rendered against them; third, that the judgment does not contain any provisions contrary to public order nor to public rights of the state in which it is to be executed.

In the same manner shall be executed a judgment rendered in any real action instituted for the purpose of obtaining a decree of inheritance in accordance with the stipulation contained in the second paragraph of Article III of this treaty.

A final judgment of any nature whatever, having all the requisites indicated in this article, shall be full proof of *res judicata* before any of the tribunals of the high contracting parties.

ARTICLE VII

The judicial documents, deeds, wills, and all other public instruments of any kind made in one of the contracting countries, shall have the same force and validity in the territory of the other as those emanating from the latter's public authorities, or those executed before its local notaries; provided that in the execution thereof the laws of the country of origin have been complied with, and provided further that they are authenticated by their respective legations or consulates, or, in default thereof, by those of any other friendly nation residing in the place of origin.

ARTICLE VIII

The Mexicans in the Republic of Honduras and the Hondurans in the Republic of Mexico, shall be exempt from all compulsory military service, either in the army, in the navy, in the militia, or in the national guard, being likewise exempt from all contributions, whether in money or in kind in substitution for this service; but the citizens of one of the contracting parties domiciled in the country of the other shall not be exempt from armed police service when the security of property or the preservation of order, not involved in political questions, may require it.

No vessels, crews, merchandise or other property or goods shall be taken or held for any military expedition nor for any reasons of public service, whatever be their nature, without previous and just compensation. In case of expropriation caused by the needs of war, the indemnity need not be previous, provided the expropriators shall issue a proper statement describing the property so taken.

ARTICLE IX

The citizens of one of the high contracting parties who might be domiciled in the territory of the other shall pay the personal imposts, taxes, and contributions, whether ordinary or extraordinary, general or local, under the same conditions and with the proper formalities, as the nationals thereof.

In regard to their property, both real and personal, the citizens of each one of the contracting parties shall not be subject to pay in the territory of the other any or higher imposts, fees, taxes, or contributions, than those paid by the citizens thereof or by the subjects or citizens of the most favored nation.

It is agreed that any person claiming the application of the latter part of the preceding paragraph may choose, as between two kinds of treatment, the one that he might deem more convenient.

They shall also be obliged, even in the case of temporary residence, to pay the ordinary contributions or taxes imposed upon their property, industry, profession or trade, in the same terms as the nationals thereof.

The Mexicans in the Republic of Honduras and the Hondurans in the Republic of Mexico shall be exempt from any obligatory loans, charges, or war requisitions, but should such requisitions, loans or contributions be imposed on circulating capital or on the real property

situated in the country, they shall be obliged to pay them in the same manner and under the same conditions as the nationals thereof.

If by reason of a state of war they should prefer to leave the country, they shall be given a safe conduct to embark at the port which they may choose; and their property, goods, and effects shall be treated, during their absence, as if they belonged to the citizens of the country or as those belonging to the subjects or citizens of the most favored nation, at the election of the interested party.

ARTICLE X

Professional titles and certificates of partial studies issued by one of the contracting parties shall be valid in the territory of the other only when said partial studies be equivalent or the titles in question include subjects which correspond. Therefore, whenever, as a condition precedent for the issuance of a degree, either of the two contracting countries should require partial studies not required in the other, said titles shall not be valid unless the interested party should prove by adequate examination that he has made these partial studies.

ARTICLE XI

The high contracting parties mutually and reciprocally guarantee to each other the most ample and complete liberty of commerce and navigation. In consequence thereof the citizens of each one may move freely and with full security with their vessels, cargoes, and goods to all commercial centers, ports, rivers, and other places of the other which are or in the future may be open to foreign commerce. They may reciprocally enter, travel, or reside with perfect liberty and security of their persons as well as of their property throughout the whole extent of each other's territory, exercise all kinds of manufacture, or agricultural industries, carry on commerce in all its branches, whether in wholesale or in retail, devote themselves to the industry of carrying persons, merchandise, money or other objects of legal trade, and to carrying on all kinds of traffic of goods, merchandises or effects of any kind, whether for local consumption or for export, whether they be domestic or imported, either themselves or through agents duly authorized therefor, and being at perfect liberty to stipulate or regulate the prices and legal conditions in all their transactions and contracts. They may lease or acquire the houses, ware-houses, establishments, or lands they may need. They shall have the right to be treated as nationals in their own

customs-manifests, and in the other fiscal offices, in loading and unloading, or in dispatching their ships and merchandise. They may deal in all kinds of values, bonds, credits and shares or stock, and organize and manage all kinds of establishments and mercantile, industrial, agricultural, banking or financial firms, being authorized therefore to solicit and obtain concessions, privileges and charters on the same terms as the nationals. They shall have the right to the benefits which the respective laws, regulations or mining ordinances may grant or might grant in the future to the citizens of the country, being subject to the laws and local regulations as to everything that has been previously stipulated.

ARTICLE XII

The citizens of each one of the two contracting countries shall enjoy in the territory of the other the same rights and privileges granted, or which in the future may be granted, to the nationals thereof in all that concerns patents, trade-marks, trade-names, stamps and industrial designs in conformity with the laws of the country.

ARTICLE XIII

No other or higher duties shall be imposed in the territory of either of the contracting parties on the importation, re-exportation and transit of the staple or manufactured products of the other than those which are paid or may be paid in the future on similar products of any other country.

Nor shall either of the contracting parties impose other or higher duties on the exportation of trade goods to the territory of the other than those which are paid or might be paid in the future for the exportation of goods of the same kind to the territory of any other country. Neither of the high contracting parties shall forbid importation, exportation or transit to the prejudice of the other party, unless that prohibition is extended at the same time to all other nations, except in the case where said prohibition should become necessary for sanitary reasons or in order to prevent either the spread of epizooty or the loss of crops, or by reason of a state of war.

In order to expedite commerce and trade between the contracting parties, there shall be made mutual concessions to abolish or rebate import duties upon certain staple and manufactured products, to which end there shall be concluded special conventions based on reciprocity.

ARTICLE XIV

Mexicans in the Republic of Honduras and the Hondurans in the Republic of Mexico may exercise maritime trade with full liberty and security, in all its legal forms, and under the same conditions as the citizens of the country, provided they comply with all the requisites and formalities prescribed for the latter by the local laws and regulations.

Likewise the nationals of each one of the two contracting republics shall have the right to acquire by legal title the ownership of merchant vessels to navigate under the flag of the state wherein the purchase is made on the same terms as the natives thereof, provided they subject themselves to the same conditions, requisites and formalities prescribed for the latter by the laws and regulations of said state.

ARTICLE XV

The nationality of the merchant vessels of each one of the high contracting parties shall be determined by the respective flags as well as by the ships' papers and the other documents which the laws of the state under whose flag they navigate require for this purpose. In regard to war ships, the flag on board shall be sufficient, and in any case, the statement of the commanding officer officially recognized shall be full proof as to the ship's nationality.

The merchant vessels of either of the contracting countries shall be subject to the local jurisdiction of the other from the time they enter its territorial waters, in all that does not pertain to private discipline or to disputes amongst their crews not disturbing the peace of the port in which they are committed. They shall give no shelter to those persons accused of any crime committed on board, and in case of doing so, the local authorities may seize the person of the delinquents, provided the formalities prescribed by the laws of the country for such cases are complied with.

The war vessels of each one of the high contracting parties shall be at liberty to enter and remain without hindrance in the ports, rivers and other places of the other wherein it is now allowed or may in the future be allowed to the war ships of the most favored nation to enter and stay, enjoying the same honors, immunities, privileges, and exemptions as the latter.

The stay of the war ships of one of the high contracting parties in the jurisdictional waters of the other shall, however, be subject to the

previous authorization of the latter, which may grant or deny it as it may deem convenient, except in the case provided for in paragraph 2 of Article XXII.

ARTICLE XVI

The merchant vessels of each of the high contracting parties shall have right to take cargo to or receive it from one or more ports of the other, and also to leave this cargo in full or in part in any of said ports and to take from or to other ports any cargo, whenever their respective laws should allow it, without paying any or higher duties than those paid by the merchant vessels of any other nation. It is agreed, notwithstanding this concession, that the same shall not apply to the coast-wise trade, which shall continue to be subject to the respective laws of the contracting parties.

ARTICLE XVII

Mexican ships going to Honduras and Honduran ships coming to Mexican ports, either laden or in ballast, shall be considered as ships of the most favored nation in so far as regards the payment of port, anchorage, tonnage, lighthouse, pilotage, average, salvage and quarantine duties, as well as all other duties affecting the hull of the ship. Equal privileges shall be granted to them in everything relating to the placing, loading, or unloading of their merchandise, embarkment or disembarkment of their passengers and luggage in the ports, docks, anchorages, quays, coves or rivers of the two countries, as well as all that relates to the payment of taxes or imposts of any kind, to the local treatment of their crews, and to the cargoes which they may import or export.

It is understood, however, that the citizens of each of the two countries shall be obliged to comply with the laws and local police regulations of the ports, and with all which these laws and regulations may provide for regarding customs formalities or to prevent smuggling.

The collection of all duties and imposts by reason of the loading capacity of the ship shall be governed in the ports of the two contracting countries by the registry documents of the ship.

ARTICLE XVIII

The following are absolutely exempt from the payment of any tonnage, port, or sailing duties, but not from pilotage duties:

1. Mexican or Honduran ships arriving from any place, which come and leave in ballast.

These ships may arrive at the coast ports and carry on the trade allowed by the local laws and regulations, subject to the formalities and provisions established in the same.

2. Ships which visit two or more ports in the same state, and which prove the payment of those duties in the first port of call.

3. Steam ships engaged in the postal, passenger and luggage service, providing that they do not engage in commercial transactions.

4. Ships, which, having entered laden in a port, whether voluntarily or by force of circumstances, leave the same without having engaged in any commercial transactions.

The steamers mentioned in the last two paragraphs shall, within thirty-six hours after having been admitted free, execute a sufficient bond to the satisfaction of the custom house authorities not to engage in commercial transactions.

The following transactions, in case of arrival by force of circumstances, shall not be considered commercial: the unloading and re-loading of merchandise for the repairing of the ship, or the disinfection thereof in case of quarantine; the transfer from one ship to another by reason of the unseaworthiness of the former; the necessary expenditures to replenish the ship's stores, and the sale of spoiled merchandise, after obtaining the necessary permit from the custom house authorities.

ARTICLE XIX

The ships of one of the contracting countries may import into the territories of the other all merchandise and trade goods, whatever their origin, at the points of importation now allowed, or which may in the future be allowed, to ships of the most favored nation, subject to the same formalities and paying identical duties and imposts as the latter. The same rule shall be applied to the exportation and re-exportation of said goods and merchandise whatever be the country to which the ships might sail. Merchandise of any kind proceeding from a third country, and taken from one of the contracting states to the other, shall be reciprocally exempt from all transit duties, and, in case of any duty being imposed on them, said duty shall be levied in precisely the same manner as that levied on similar merchandise in transit belonging to any other nation.

This stipulation shall in no way contravene the legislation of either of the high contracting parties, in regard to articles the transit of which is or may be prohibited, nor the right of subjecting the transit of arms and war ammunition to special permits.

ARTICLE XX

When, by reason of stress of weather or for any other reason, a citizen of one of the high contracting parties shall find himself obliged to seek shelter with his ships at any point of the coast of the other, he shall have the right to be received with humanity and to be accorded all those services which might be necessary for salving his ships and merchandise, until he is placed in condition to continue his trip to the nearest port, reserving to the nation lending such aid the right to take whatever steps may be deemed proper in order to prevent smuggling.

It shall be permissible in the territory of each of the high contracting parties for the ships of the other whose crews are incomplete, to engage voluntary service in the number necessary to continue their voyage.

Should any ship belonging to a citizen of either of the two contracting countries be wrecked or run aground, or suffer any damage within the territorial waters of the other, the same aid and protection shall be given to her as that which in a similar case would be given to a national vessel wrecked, run aground or stranded. The same privilege shall be extended to war vessels.

The respective local authorities shall afford adequate security to the persons and property so salvaged, taking the necessary precautions to prevent smuggling, without levying any duties, imposts or taxes of any kind except for merchandise destined to local use and consumption.

ARTICLE XXI

The high contracting parties agree that the limit of their sovereignty in the adjacent territorial waters of their respective coasts reaches a distance of twenty kilometers measured from low water mark. This rule, however, shall only be applicable for the exercise of police rights, for the execution of the custom-house regulations and the application of all ordinances tending to avoid smuggling as well as for all other objects concerning the public security of the country; but in no case shall it be applied to any other question of maritime international law.

ARTICLE XXII

Should one of the high contracting parties engage in war with a third power, the other shall at all times and under all circumstances preserve its liberty of action to aid the former or to preserve its neutrality, complying with the rules which the law of nations imposes upon neutral

states. Each party expressly reserves, without it being construed as an act contrary to the duties of neutrality, the right to watch and defend its boundaries with the military forces which it might deem convenient, for the preservation of public order and the defense of those of its interests which might be threatened by such state of war.

In order to avoid the smuggling which might be engaged in by sea, between the coasts and ports of the two contracting parties, especially in time of disturbance, or in order to give to their nationals the necessary protection due them by reason of a state of war, each contracting party shall also have the right to send its war ships to the territorial waters of the other, after obtaining permission therefor from the latter, which permission shall be granted, subject to the generally recognized principles of the law of nations. Said ships may enter and stay in or in front of their ports, anchorages, grounds, bays, rivers, coves, havens, islands and capes, and shall be granted assistance to repair all damages suffered, to procure supplies of provisions and to place themselves in condition to proceed on their trip without any obstacle or hindrance. They shall, finally, enjoy to the full extent all rights of shelter and refuge customary in such cases; provided, however, that in order to enjoy these privileges they shall observe and comply with the local regulations.

As regards international maritime law especially, the contracting parties mutually agree to comply with principles 2nd, 3rd, and 4th of the Declaration of the Congress of Paris of April 16, 1856, with the single reservation that, whenever one of said contracting parties shall be at war with a third Power, it shall respect the enemy's merchandise under a neutral flag only in cases in which said Power shall have adopted the same principle of maritime international law in regard to the former.

Whenever a war vessel of one of the high contracting parties which might be at war with a third nation, shall find a merchant vessel of the other, the former shall keep at the farthest distance compatible with the exercise of the right of visit, taking into consideration the condition of the wind, the sea, and the degree of suspicion which the ship to be visited might inspire, and shall send two or more commissioners in a boat with the sole object of examining, without any inconvenience or violence, the certificates and ship's papers covering the property and cargo of the vessel; for which the commanding officer of the armed ship shall be held responsible. These documents shall be full proof as to the nationality of the ship and the legitimacy of its cargo, unless the fraud were patent, or there should be reasonable grounds to suspect the same.

War vessels shall be exempt from the visits to which merchant vessels are subjected.

It is stipulated that war ships of each of the high contracting parties, respectively, shall be exempt from the control and jurisdiction of the other, even when they are within their territorial waters, but they shall be obliged to respect the local regulations of the ports, the fiscal laws and the sanitary regulations.

ARTICLE XXIII

The high contracting parties agree to grant to their envoys or diplomatic or consular agents in general the proper rights, privileges, honors, exemptions and immunities which are enjoyed or may be enjoyed in the future by officials of the same rank of the most favored nation.

Being desirous of preventing any conflict which might alter their friendly and cordial relations, they agree that whenever any claims or complaints in civil, criminal or administrative matters shall arise, there shall be no intervention by their diplomatic agents except in the following cases: refusal of, or a manifest, extraordinary and illegal delay in administering justice; failure to execute a final judgment after exhausting all legal resources; or in case of an express violation of existing treaties or of the rules of public or private international law recognized by civilized nations, and which could not be claimed before the tribunals of the country without imminent danger of irreparable loss.

Whenever a Mexican in the Republic of Honduras or a Honduran in the Republic of Mexico takes part in the local questions or in the civil struggles of the state, he shall be treated, tried, sentenced or acquitted by the same procedure and the same courts to whose jurisdiction nationals found in similar circumstances would be subject. In such cases, the right to demand diplomatic intervention in order to convert the personal affair into a diplomatic question shall not exist, except in the cases specified in the preceding paragraph, and then only for the purpose of expediting the legal resources granted to nationals in such cases. This stipulation shall be interpreted without prejudice to the provisions of paragraph 2 of Article II of this treaty.

It is agreed that in no case shall the Mexican Government be responsible to the Government of Honduras, nor the Honduran Government be responsible to the Government of Mexico, for the damages, vexations or exactions suffered by their respective citizens in the territory of the other caused in time of insurrection or of civil war by insurgents, or

caused by the tribes or hordes of savages in defiance of obedience to the Government, except in the case where the fault or blame may be due to lack of diligence on the part of existing authorities or their agents.

ARTICLE XXIV

The provisions of the present treaty shall not apply to the fishing industry in all its branches and purposes, which shall remain subject to the laws of each one of the contracting countries.

ARTICLE XXV

The high contracting parties expressly pledge themselves not to order or authorize any act or regulation of any kind which violates or infringes one or more of the articles of this treaty. The controversies which might arise on this account shall be settled in accordance with the procedure stipulated in Article I of this treaty. If the violation or infraction should be committed by the citizens of one of the high contracting parties, the person or persons so violating the same shall be directly liable, said party agreeing that the infractor shall be sued and punished in accordance with its laws, without this being sufficient cause to disturb the friendship and amity existing between the two contracting parties.

ARTICLE XXVI

Diplomatic and consular agents of the contracting republics in foreign countries shall tender to the persons and property of the citizens of the other the same protection that would be given to the persons and property of their country, without charging for their service other or higher fees than those usually charged to nationals.

ARTICLE XXVII

The present treaty shall be ratified by each of the high contracting parties in accordance with their respective constitutional procedure, and the ratifications shall be exchanged as soon as possible in the City of Mexico.

It shall be in force for the term of five years from the date of the exchange of the ratifications hereof, and shall thereafter continue in force until a year after one of the high contracting parties shall have denounced it to the other.

ARTICLE XXVIII

It is understood that the term *most favored nation* used in this treaty, does not include the republics of Central America which formerly constituted one single nation. These republics shall not be taken as a standard as regards the privileges of commerce, industry, et cetera, now granted or which may hereafter be granted to them by the Republic of Honduras.

It is also understood that the *most favored nation* privileges are based upon absolute reciprocity and shall only be granted to a third Power when the circumstances are identical.

In witness whereof, the plenipotentiaries sign and seal the present treaty in two originals, in the City of Mexico, on the 24th day of March, 1908.

L. S. (Signed) FEDERICO GAMBOA.

L. S. (Signed) POLICARPO BONILLA.

PROTECTORATE TREATY BETWEEN FRANCE AND MOROCCO ¹

Signed at Fez, March 30, 1912

The Government of the French Republic and the Government of His Majesty the Sultan, desirous of inaugurating a regular régime in Morocco based upon internal order and general security, making it possible to introduce reforms and to insure the economic development of the country, have agreed upon the following:

ARTICLE I

The Government of the French Republic and His Majesty the Sultan have agreed to establish in Morocco a new régime admitting of the administrative, juridical, educational, economic, financial and military reforms which the French Government may deem useful to be introduced within the Moroccan territory.

This régime shall safeguard the religious status, the respect and traditional prestige of the Sultan, the exercise of the Mohammedan religion and of the religious institutions and in particular those of the *habous*. It shall admit of the organization of a reformed Shereefian makhzen.

¹*Le Memorial Diplomatique*, April 7, 1912, p. 214.

The Government of the Republic will come to an understanding with the Spanish Government regarding the interests which this government has in virtue of its geographical position and territorial possessions on the Moroccan coast.

In like manner, the City of Tangiers shall retain the distinctive characteristic for which it has been known and which will determine its municipal organization.

ARTICLE II

His Majesty the Sultan consents that henceforth the French Government, after it shall have notified the makhzen, may proceed to such military occupation of the Moroccan territory as it might deem necessary for the maintenance of good order and the security of commercial transactions, and to exercise every police supervision on land and within the Moroccan waters.

ARTICLE III

The Government of the Republic pledges itself to lend constant support to His Shereefian Majesty against all dangers which might threaten his person or throne, or endanger the tranquillity of his states. The same support shall be given the heir to the throne and his successors.

ARTICLE IV

Such measures as the new régime of the protectorate may require shall be edicted, upon the proposal of the French Government, by His Shereefian Majesty or the authorities to whom he may have delegated his power. The same process shall be observed in the matter of new regulations and of modifications to the existing regulations.

ARTICLE V

The French Government shall be represented near His Shereefian Majesty by a resident commissioner general, representative of all the powers of the republic in Morocco, who shall attend to the execution of the present agreement.

The resident commissioner general shall be the sole intermediary of the Sultan near foreign representatives and in the relations which these representatives maintain with the Moroccan Government. In particular, he shall have charge of all matters relating to foreigners in the Shereefian Empire.

He shall have the power to approve and promulgate, in the name of the French Government, all the decrees issued by His Shereefian Majesty.

ARTICLE VI

The diplomatic and consular agents of France shall be charged with the representation and protection of Moroccan subjects and interests abroad.

His Majesty the Sultan pledges himself not to conclude any act of an international nature without the previous approval of the French Republic.

ARTICLE VII

The Government of the French Republic and the Government of His Shereefian Majesty reserve unto themselves to determine by mutual agreement the bases for a financial reorganization which, while respecting the rights conferred upon bondholders of the Moroccan public loans, shall make it possible to guarantee the engagements of the Shereefian treasury and to collect regularly the revenues of the empire.

ARTICLE VIII

His Shereefian Majesty declares that in future, he will refrain from contracting, directly or indirectly, any public or private loan, and from granting in any form whatever any concession without the authorization of the French Government.

NATURALIZATION CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA.¹

*Signed at Managua, December 7, 1908; ratifications exchanged
March 28, 1912.*

The President of the United States of America and the President of the Republic of Nicaragua, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Nicaragua, and from Nicaragua to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries to conclude a convention, that is to

¹ U. S. Treaty Series, No. 566.

say: the President of the United States of America, John Hanaford Gregory Jr., Chargé d'Affaires ad Interim of the United States at Managua, and the President of Nicaragua, Rodolfo Espinosa R., Minister for Foreign Affairs, who having exchanged their full powers, found in good and due form, have agreed to and signed the following articles.

ARTICLE I

1. Citizens of the United States who have been or may be voluntarily naturalized in Nicaragua in conformity with the laws thereof, shall be considered and treated by the Government of the United States as citizens of Nicaragua.

2. Reciprocally, citizens of Nicaragua who have been or may be voluntarily naturalized in the United States in conformity with the laws thereof, shall be considered and treated by the Government of Nicaragua as citizens of the United States.

ARTICLE II

1. If a citizen of the United States naturalized in Nicaragua renews his residence in the United States without the intention to return to Nicaragua, it shall be considered that he has renounced his citizenship in Nicaragua.

2. Reciprocally, if a citizen of Nicaragua naturalized in the United States renews his residence in Nicaragua without intention to return to the United States it shall be deemed that he has renounced his citizenship in the United States.

3. The intention not to return shall be deemed to exist when a person naturalized in one of the two countries resides for more than two years continuously in the other country; however, such presumption may be destroyed by evidence to the contrary.

ARTICLE III

A mere declaration of intention to become naturalized in either country shall not, in either country, have the effect of legally acquired citizenship.

ARTICLE IV

Citizens naturalized in one of the two countries and returning to the country of their origin shall be subject to trial and punishment in the

latter for any punishable act committed before their emigration, but not for the act of emigrating itself, always excepting cases of limitation or any other remission of liability.

ARTICLE V

It is agreed between both parties to define the word "citizenship," as used in this convention, to mean the status of a person possessing the nationality of the United States or Nicaragua.

ARTICLE VI

The present convention shall be in force for a period of ten years from the date of the exchange of ratifications. If, one year before the expiration of this period, neither of the parties gives notice to the other that it shall expire, it shall continue in force until twelve months after such notice is given.

ARTICLE VII

The present convention shall be ratified constitutionally by each country, and the ratifications shall be exchanged at Washington or at Managua within two years from date at the latest.

Done in Managua the seventh of December one thousand nine hundred and eight, sealed and signed in two copies of same tenor in English and Spanish.

JOHN HANAFORD GREGORY JR. [SEAL.]
RODOLFO ESPINOSA R. [SEAL.]

SUPPLEMENTARY NATURALIZATION CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA.¹

*Signed at Managua, July 17, 1911; ratifications exchanged
March 28, 1912*

The President of the United States of America and the President of the Republic of Nicaragua, considering it expedient to prolong the period in which, by Article VII of the naturalization convention signed by the respective plenipotentiaries of the United States and Nicaragua at Managua on December 7, 1908, the exchange of the ratifications of the

said convention shall be effected, have for that purpose appointed their respective plenipotentiaries, namely:

The President of the United States of America, Elliott Northcott, Envoy Extraordinary and Minister Plenipotentiary of the United States of America; and

The President of the Republic of Nicaragua, Tomás Martínez, Minister for Foreign Affairs of the Republic of Nicaragua,

Who, after having communicated each to the other their respective full powers, which were found to be in good and due form, have agreed to the following additional and amendatory article to be taken as a part of the said convention:

SOLE ARTICLE

The respective ratifications of the said convention shall be exchanged at Washington or at Managua as soon as possible and within two years from December 7, 1910.

In faith whereof the respective plenipotentiaries have signed the present supplementary and amendatory convention in duplicate in the English and Spanish languages and have hereunto affixed their seals.

Done at Managua this seventeenth day of June, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.] ELLIOTT NORTHCOTT.

[SEAL.] TOMÁS MARTINEZ.

PROTOCOL BETWEEN PERU AND ITALY FOR THE ARBITRATION OF THE CANEVARO CLAIM ¹

Signed at Lima, April 25, 1910

Dr. Don Meliton F. Porras, Minister of Foreign Relations of Peru, and Count Giulio Bolognesi, Chargé d'Affaires of Italy, having met at the office of the former, have agreed upon the following:

The Government of the Peruvian Republic, and the Government of His Majesty, the King of Italy, not having succeeded in reaching an agreement in regard to the claim presented by the latter on behalf of Count Napoleon, Carlos and Rafael Canevaro, for the payment of the sum of forty-three thousand, one hundred and forty pounds sterling

¹ *Boletín del Ministerio de Relaciones Exteriores of Peru*, No. XXXV, p. 261. Translated from the Spanish by Mr. Antonio M. Opisso, of Washington, D. C.

and the legal interest thereon, which they demand from the Government of Peru,

Have resolved, in accordance with Article I of the general treaty of arbitration in force between the two countries, to submit this controversy to the Permanent Court of Arbitration at The Hague, which court shall decide in accordance with law the following points:

Should the Government of Peru pay in cash, or in accordance with the Law of Internal Revenue of Peru of June 12, 1889, the orders of payment (*libramientos*) actually owned by the brothers Napoleon, Carlos and Rafael Canevaro, and which were executed to the order of the firm of Jose Canevaro and Sons for the sum of 43,140 pounds sterling, together with the legal interest thereon?

Have the brothers Canevaro any right to demand the total of the amount claimed?

Has Don Rafael Canevaro any right to be considered as an Italian claimant?

The Government of the Republic of Peru and the Government of His Majesty, the King of Italy pledge themselves to designate, within four months from the date of this protocol, the members who are to constitute the arbitral court.

Seven months after said arbitral court has been organized, both governments shall submit to the same a complete statement of the controversy, together with all the documents, evidence, briefs and arguments in the case, each government being entitled to a period of five months in order to file its answer to the other government, and in said answer they shall only be allowed to refer to the allegations contained in the statement of the other side.

The controversy shall then be deemed closed, unless the arbitral court should require new documents, proofs or briefs, in which case they must be presented within the term of four months from the time the arbitrator should demand the presentation of the same.

Should said documents, proofs or briefs not be presented within this period, an arbitral sentence shall be passed as if the same did not exist.

In witness whereof the undersigned put their names to the present protocol, drawn in Spanish and Italian, affixing their respective seals thereon.

Done in duplicate in Lima, the 25th day of April, 1910.

(L. S.) M. F. PORRAS.

(L. S.) GIULIO BOLOGNESI.

Exchange of notes concerning the formation of the Arbitral Court

MINISTRY OF FOREIGN AFFAIRS,
Lima, April 27, 1910.

Sir:

There being no stipulation in the protocol submitting to arbitration the claim presented against the Peruvian Government by the brothers Canevaro, in regard to the formation of the arbitral court, it is a pleasure to me to propose to Your Excellency that the same be made in accordance with Article 87 of the Convention for the Pacific Settlement of International Disputes, signed at The Hague in 1907.

I reiterate to Your Excellency the assurances of my highest consideration.

M. F. PORRAS.

To Count Giulio Bolognesi,
Chargé d'Affaires of Italy.

LEGATION OF HIS MAJESTY, THE KING OF ITALY,
Lima, April 27, 1910.

Mr. Minister:

I have the honor to acknowledge receipt of the note of Your Excellency, No. 18, of this date, and I am highly pleased to accept the proposal of Your Excellency providing for the formation of the arbitral court at The Hague to pass upon the Canevaro controversy, in accordance with the provisions of Article 87 of the Convention for the Pacific Settlement of International Disputes signed at The Hague in 1907.

Be pleased, Mr. Minister, to accept the assurances of my highest and distinguished consideration.

GIULIO BOLOGNESI.

To His Excellency.

Dr. Meliton F. Porras,
Minister of Foreign Relations.

AGREEMENT BETWEEN THE UNITED KINGDOM AND PORTUGAL RESPECTING
THE BOUNDARY BETWEEN BRITISH AND PORTUGUESE POSSESSIONS ON
THE RUO AND SHIRE RIVERS ¹

Lisbon, November 6/30, 1911

1

*His Britannic Majesty's Minister at Lisbon to the Portuguese Minister for
Foreign Affairs*

HIS BRITANNIC MAJESTY'S LEGATION,

LISBON, November 6, 1911

Your Excellency,

In continuation of the correspondence which took place in June and September last between his Excellency Senhor Azevedo and my predecessor, Sir Francis Villiers, respecting a settlement of the boundary between the respective possessions of the two governments on the Ruó and Shire Rivers, I have the honour to propose to your Excellency that this question should be settled by an agreement in the following terms:—

His Britannic Majesty's Government and the Government of the Portuguese Republic having resolved to demarcate their territories in East Africa along the Rivers Ruó and Shire between the points on those rivers mentioned in the treaty of the 11th June, 1891, it has been decided by common accord between the two governments to accept the line of the thalweg of those rivers as the frontier-line, and the islands situated between the left bank of the said rivers and the lines of their thalweg to belong to Portugal, and those situated between those lines of thalweg and the right bank of the said rivers Ruó and Shire to belong to Great Britain, these lines being determined according to the condition of the two rivers in 1908. In this manner the islands belonging to Portugal will be:

Sankalani, and the adjacent islands, Masekodoso, which is downstream from the village of Mlolo, those at the mouth of the Ruó, Ngoma, Msamvu No. 1, Dumba, Chakao, Nyamula, Kalumbe, Kalikovani, and Chezuka, as shown on the attached map² of the Ruó and Shire Rivers;

¹ Great Britain, Treaty Series, 1912, No. 10.

² Omitted from this SUPPLEMENT.

And to Great Britain:

Malô, Nyantambwe, Nyapembere, Nyafunzi, Msamvu No. 2, Tenganana, Panga, Temba, and the two islands of Kutamo, as shown on the attached map of the Ruô and Shire Rivers.

The Governments of Great Britain and Portugal bind themselves to respect the frontier-line laid down by this agreement and to recognize as Portuguese and British territory respectively the islands above indicated, in conformity with the provisions of the treaty of the 11th June, 1891.

Should your Excellency, on behalf of the Government of Portugal, be prepared to accept the agreement in the above terms, I should feel much obliged by your addressing me a note to that effect. The notes thus exchanged would be deemed to record the agreement.

I avail myself, &c.

ARTHUR H. HARDINGE.

His Excellency Senhor Augusto de Vasconcellos,
Minister for Foreign Affairs.

2

*The Portuguese Minister for Foreign Affairs to His Britannic Majesty's
Minister at Lisbon*

[Translation]

MINISTRY FOR FOREIGN AFFAIRS,
LISBON, November 30, 1911.

M. le Ministre,

I have the honour to acknowledge the receipt of the note which your Excellency was good enough to address to me on the 6th instant, in continuation of previous correspondence between this Ministry and the Legation under your charge, respecting the Anglo-Portuguese frontier-line on the Ruô and Shire Rivers.

Your Excellency proposes that the question should be settled by an agreement between the Portuguese and British Governments in the following terms:—

The Government of the Portuguese Republic and His Britannic Majesty's Government having resolved to demarcate their territories in East Africa, along the Rivers Ruô and Shire between the points on those rivers mentioned in the treaty of the 11th June, 1891, it has been

decided by common accord between the two governments to accept the line of the thalweg of those rivers as the frontier-line, the islands situated between the left bank of the said rivers and the lines of their thalweg to belong to Portugal, and those situated between those lines of thalweg and the right bank of the said rivers Ruo and Shire to belong to Great Britain, these lines being determined according to the condition of the two rivers in 1908. In this manner the islands belonging to Portugal will be:

Sankalani and the adjacent islands, Masekodoso, which is downstream from the village of Mlolo, those at the mouth of the Ruo, Ngoma, Msamvu No. 1, Dumba, Chakao, Nyamula, Kalumbe, Kalikovani, and Chezuka, as shown on the attached map of the Ruo and Shire Rivers.

And to Great Britain:

The islands of Malo, Nyantambwe, Nyapembere, Nyafunzi, Msamvu No. 2, Tengana, Panga, Temba, and the two islands of Kutamo, as shown on the attached map of the Ruo and Shire Rivers.

The Governments of Portugal and Great Britain bind themselves to respect the frontier-line laid down by this agreement, and to recognize as Portuguese and British territory respectively the islands above indicated, in conformity with the provisions of the treaty of the 11th June, 1891.

I have much pleasure in notifying to your Excellency the acceptance by the Government of the Republic of this agreement, which is thus definitely recorded in the present note and in that from your Excellency under reply.

I avail, &c.

AUGUSTO DE VASCONCELLOS.

Sir Arthur H. Hardinge,
&c., &c., &c.,

OFFICIAL DOCUMENTS

EXTRADITION TREATY BETWEEN THE ARGENTINE REPUBLIC AND THE SWISS CONFEDERATION¹

*Signed at Buenos Aires November 21, 1906; ratifications exchanged
December 6, 1911*

The Government of the Argentine Republic and the Federal Council of the Swiss Confederation, being desirous of strengthening the ties of friendship existing between both countries and of arriving at a uniform action in regard to the extradition of those persons accused of crime in accordance with the respective laws in force in the two countries, have resolved to conclude a convention, and have appointed for this purpose their respective plenipotentiaries, to wit:

The Government of the Argentine Republic, Señor Doctor Manuel Augusto Montes de Oca, Minister-Secretary in the Department of Foreign Relations and Worship, and

The Federal Council of the Swiss Confederation, M. Joseph Choffat, Minister Resident of Switzerland in the Argentine Republic,

Who, after having communicated their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The high contracting parties engage to surrender to each other in accordance with the provisions of the present convention, those persons who, being accused or convicted of any of the crimes or offenses enumerated in Article II, shall have taken refuge in the territory of the other state.

¹ *Boletín del Ministerio de Relaciones Exteriores y Culto*, Argentine Republic, January, 1912, Vol. XXXIII, No. IV, p. 349.

ARTICLE II

The crimes or offenses for which extradition is to be granted are the following:

1. Homicide;
2. Murder;
3. Parricide;
4. Infanticide;
5. Poisoning;
6. Voluntary abortion;
7. Voluntary assault occasioning unintentional death, or resulting in the serious or permanent mutilation of a member or organ of the body;
8. Rape, carnal knowledge, or any attempt against chastity;
9. Attempt, with or without violence, against the chastity of children of either sex, under the age of fourteen years;
10. Bigamy;
11. Abduction, and kidnapping of persons; suppression or substitution of children;
12. Child-stealing.
13. Falsification or alteration of money, paper money, commercial currency paper, shares of stock, and other certificates issued by the state, corporations, companies, or individuals; uttering, circulating, or counterfeiting postage stamps, stamps, coins, or state seals, or seals of other offices; introducing, uttering or using said counterfeit objects or goods; using false documents or acts to accomplish these different ends; fraudulent use of stamps, seals and authentic marks;
14. Falsifying a public or private document; falsifying letters of exchange or any other commercial paper and using said falsified documents;
15. False testimony, perjury or subornation of perjury, or bribery in any civil or criminal matter;
16. Bribery of public officials;
17. Embezzlement or misappropriation of public funds; fraudulent exaction of funds by public officials or depositories;
18. Arson and abuse of explosives;
19. Voluntary destruction or damage of railways, steamers, ports, electrical apparatus and appliances (telegraphs, telephones) and endangering the exploitation thereof;

20. Highway robbery; extortion; robbery, and concealment of the robber or of the stolen goods;

21. Voluntary acts committed with the purpose of sinking, wrecking, destroying, disabling or damaging a ship when danger might result thereby to a third party;

22. Embezzlement;

23. Abuse of confidence, and fraudulent appropriation of money;

24. Fraudulent bankruptcy.

Extradition is to be granted for participation in or attempt to commit any one of the aforesaid crimes, provided such participation or attempt be punishable by the laws of the contracting countries.

Extradition shall be granted for the crimes above named if the acts constituting the same are punishable with no less than one year of imprisonment according to the laws of the contracting parties.

ARTICLE III

Extradition shall not take place

1. If the individual is a native or naturalized citizen of the nation from whom surrender is demanded;

2. For political offenses or for acts connected with political offenses;

3. If the crime has been committed in the territory of the nation on whom the demand is made;

4. If the requisition for the extradition is made for the same crime or offense for which the person claimed has been prosecuted, convicted or acquitted in the country on which the demand is made;

5. If the sentence or prosecution is barred by the statute of limitations in accordance with the laws of the claiming state or of the state on whom the demand is made, before the arrest or summoning of the person claimed.

ARTICLE IV

Extradition shall not take place if the person claimed is prosecuted for the same crime or offense in the country from which extradition is asked.

ARTICLE V

If the penalty imposed by the laws of the state demanding the extradition for the offense which causes said demand consists in corporal punishment, extradition shall depend upon the condition that the penalty, if imposed, shall be commuted for that of imprisonment or fine.

ARTICLE VI

Extradition shall not be granted except on condition that the person surrendered shall not be prosecuted before a *court of exception*.

ARTICLE VII

If the person for whom requisition is made shall be in course of trial, or shall have been convicted of an offense other than that for which the surrender is demanded, extradition shall only take place after the trial shall have been concluded and the sentence fulfilled or a pardon granted.

ARTICLE VIII

Persons whose extradition may be granted shall not be prosecuted nor punished for crimes or offenses committed prior to those for which extradition is asked, nor for acts connected with these crimes or offenses, unless the country surrendering them should consent thereto and provided that said crimes appear amongst those enumerated in Article II.

Likewise they shall not be surrendered to a third state demanding their surrender for acts different from those which have caused the extradition.

These restrictions shall not apply if the person whose extradition has been granted expressly consents to being prosecuted or sentenced for an offense committed previously and not mentioned in the requisition for extradition, or consents to be surrendered to a third state, or finally, if he resides in the country where he has been tried for a period of three months from the date in which he was served his sentence, or from the date of his pardon and liberty, or in case he should have returned to the territory of the state demanding his extradition.

ARTICLE IX

If, in accordance with the provisions set forth in the present convention, the extradition should not have been granted, the person claimed shall be tried, if there is reason therefor, by the courts of the state applied to, in conformity with its laws, and the final judgment must be communicated to the government making the requisition.

On the other hand, the state at whose request the citizen of the other state should have been tried and sentenced, binds itself in turn not to prosecute any action against the same person and for the same act, unless

said person should not have served the sentence imposed on him in his own country.

ARTICLE X

When the crime or offense for which requisition is made has been committed in the territory of a third state not demanding the surrender of the offender, the extradition shall not be granted, except when the laws of the country on whom such demand is made shall authorize the prosecution for the same offenses committed outside its territory.

ARTICLE XI

If the individual whose extradition is claimed in pursuance of the present convention, is also claimed by one or several other governments for crimes committed in their respective territories, his extradition shall be granted to that state in whose territory he should have committed the most grievous offense, and in case of the offenses being equally serious, to the one whose demand for extradition is earliest in date.

ARTICLE XII

If the individual claimed is not a citizen of the demanding state, and should his government also claim him for the same crime, the government on whom such demand is made shall be empowered to surrender him to whichever it may be convenient.

ARTICLE XIII

The request for extradition shall always be made through the diplomatic agents, and in default thereof, through the consul of highest rank of the country demanding the extradition.

It must be accompanied.

1. By the original or authenticated copy of the warrant of arrest or of any other order to the same effect, or by the adverse judgment and sentence rendered by the competent authority according to the formalities prescribed by the laws of the country claiming the extradition;

These documents must disclose the acts on which the accusation is based, the place where the same have been committed, and the date thereof;

2. By a copy of the provisions of the penal law applicable to the crime or offense in question.

3. By a description, as accurate as possible, of the person claimed.

ARTICLE XIV

At the request either by mail or by telegraph, of the competent authority of the country making the requisition, and stating at the same time that the warrant of arrest is being remitted through diplomatic channels, a fugitive whose extradition may be demanded for any of the crimes included in Article II, may be provisionally arrested.

The person so arrested shall be set at liberty if, within the term of three months from the date of his arrest, a diplomatic requisition for his extradition has not been sent in accordance with the form prescribed by Article XIII, unless the arrest should be justified for some other reason.

ARTICLE XV

If, in a criminal prosecution relating to one of the crimes mentioned in Article II, one of the two governments should deem it necessary to proceed to the examination of witnesses domiciled in the other state, or to undertake any other proceedings, letters rogatory of urgent character shall be issued to that effect through diplomatic channels, and the same shall be despatched in accordance with the laws of the country.

The respective governments waive any claim for the reimbursement of the expenses resulting from the execution of the letters rogatory, unless for the services of criminal, commercial or medico-legal experts.

There shall likewise be no claim for the expenses incurred in the execution of judicial acts done spontaneously by the magistrates of each country in the prosecution or comprobation of crimes committed within their territory by the foreigner who should afterwards be prosecuted and tried in his own country.

ARTICLE XVI

If the appearance of a witness in a criminal case relating to one of the crimes mentioned in Article II should be deemed necessary or convenient, the government of the country where such witness resides shall notify him to obey the summons issued to him, and, should he consent thereto, the government demanding his appearance shall reimburse him for all traveling and sojourning expenses from the moment of leaving his residence, said expenses to be calculated according to the tariffs in force where he must appear, unless the government issuing the summons should deem it its duty to grant to the witness a larger indemnity.

ARTICLE XVII

No person of whatever nationality who, being summoned as a witness in one of the two countries, should have appeared voluntarily before the tribunals of the other country, shall be prosecuted or arrested for crimes or offenses, or for civil, criminal or correctional sentences rendered prior to his departure from the country on whom the requisition is made, nor under any pretext of complicity in the acts which are the object of the prosecution in which he appears as a witness.

ARTICLE XVIII

It is formally agreed that the transit through the territory of one of the contracting parties of a person surrendered by a third Power to the other party, and who is not a citizen of the country through which he travels, shall be granted upon the simple presentation through diplomatic channels of the warrant of arrest or of the sentence, providing he shall not be accused of any political offense or of any acts connected with the same, or of any offenses purely military, and provided further that the act on which the extradition is based is one of those enumerated in Article II of the present convention.

The transportation shall be made by the shortest and speediest route, and under the vigilance of the agents of the country on whom the requisition has been made, and at the expense of the government making such requisition.

ARTICLE XIX

The articles connected with an offense or crime found in the possession of the person claimed, or which might have been concealed and subsequently found, as well as the implements or instruments which have been used to commit the offense, and all other evidence which might tend to prove the commission of the crime, shall be surrendered together with the person claimed.

The rights which a third party might have in the articles in question shall be reserved, and such articles shall be returned to them without expense at the conclusion of the trial.

ARTICLE XX

The expenses incurred in the territory of the state on whom the requisition is made, for the capture, arrest, custody and maintenance

of the person claimed, and the transportation of the articles mentioned in Article XIX of the present convention, shall be on account of said state.

ARTICLE XXI

The documents submitted or communicated to the authorities of the other state, pursuant to the present convention, must always be accompanied by a Spanish translation in the case of the Argentine Republic, and a French translation in the case of the Swiss Confederation.

ARTICLE XXII

The present convention shall be in force twenty days after its promulgation, which must be made, simultaneously, within the shortest time possible in both countries. It shall remain in force in accordance with the provisions of their respective laws until six months after the date on which one of the two governments should have expressed its desire to terminate its effects.

This convention shall be ratified and the ratifications exchanged in Buenos Aires within the shortest time possible.

In witness whereof, the respective plenipotentiaries sign the present convention affixing their seals thereto.

Done in duplicate originals in Buenos Aires, on the twenty-first day of November, 1906.

L. S. (Signed) M. A. MONTES DE OCA.

L. S. (Signed) J. CHOFFAT.

TREATY OF FRIENDSHIP AND COMMERCE BETWEEN THE REPUBLIC OF BOLIVIA AND THE GERMAN EMPIRE ¹

Signed at La Paz July 22, 1908; ratifications exchanged March 15, 1910

His Majesty, the Emperor of Germany, King of Prussia, on behalf of the German Empire, and His Excellency, the President of the Republic of Bolivia, prompted by the desire of promoting and consolidating the relations of friendship and commerce between both countries, have

¹ *Reichs-Gesetzblatt*, No. 14, March 19, 1910.

agreed to conclude a treaty to this effect, having appointed for this purpose their plenipotentiaries as follows:

His Majesty, the Emperor of Germany, King of Prussia:

His Minister Resident to the Republic of Bolivia, present Counsellor of the Legation, von Haxthausen,

His Excellency, the President of the Republic of Bolivia:

His Excellency, the Minister of Foreign Affairs and Worship, Señor Doctor Don Claudio Pinilla,

Who, after having communicated their respective full powers, found in good and due form, have agreed upon the following articles.

ARTICLE I

There shall be perpetual friendship between the German Empire on the one side and the Republic of Bolivia on the other, as well as between their respective citizens.

ARTICLE II

There shall be complete and reciprocal freedom of trade between the domains of the two high contracting parties. The citizens of each one of the parties shall have complete freedom to enter into all places of the territories of the other party, to which entry is generally allowed to the native citizens; they shall respectively enjoy the same rights, privileges, liberties, favors, immunities and exceptions in all matters pertaining to trade now enjoyed or to be in the future enjoyed by their native citizens in general, without being obliged to pay higher taxes or imposts than those paid by the latter. As regards individual protection, acquisition of property, and the exercise of industries, they shall enjoy the same rights as the most favored nation, being subject to the laws and regulations of the country wherein they reside.

ARTICLE III

In no case shall the import duties levied in Germany on the staple or industrial products of Bolivia, or those levied in Bolivia on staple or industrial products of Germany, be different from or higher than those to which the same products of the most favored nation are subjected. The same system shall be observed as to the export and transit of goods.

None of the prohibitions or restrictions regarding the importation or exportation of any article shall be applied to the reciprocal trade if they

are not extended to all the other nations found in the same condition; nor shall the customs formalities required in regard to merchandise imported or exported from one of the two countries be other than those applied to other nations.

The facilities which one of the contracting parties has granted or might grant to adjoining states in order to favor the boundary traffic, cannot, nor shall be, claimed by right by the other party while the said facilities are not extended to other non-adjacent states.

ARTICLE IV

The Republic of Bolivia recognizes the right of the merchant vessels of the German Empire to freely navigate with its own flag the rivers in Bolivian territory. By virtue whereof the merchant vessels of the German Empire shall have the same rights and privileges as those which have been granted or might be granted to the most favored nation.

ARTICLE V

The high contracting parties reserve the right to conclude a special convention regarding the rights and privileges of their respective consular officials. Pending the conclusion of such convention, they have agreed to grant to each other the rights, liberties and privileges which may have been granted or might be granted to the most favored nation.

ARTICLE VI

The two high contracting parties, prompted by the desire to eliminate whatever difficulties might arise regarding nationality, declare that the following shall be considered as Germans in Bolivia and as Bolivians in Germany:

The Germans who settle in Bolivia and the Bolivians who settle in Germany, and who have preserved their nationality in accordance with the laws of their country.

Those born of German parents in Bolivia, and those born of Bolivian parents in Germany, who, on arriving at the age of twenty-one years have their domicile in the two countries, shall have the right to choose, within the year following, the one or the other nationality, and shall enjoy from that moment all privileges granted by this treaty to the citizens of the nationality which they may have elected.

ARTICLE VII

By virtue of the right of election granted by paragraph 3, Article VI, children born of Germans in Bolivia, and children born of Bolivians in Germany, shall not be called to military service before they attain the age of twenty-one years.

ARTICLE VIII

Bolivians in Germany and Germans in Bolivia shall be exempt from all personal service in the land or sea forces, as well as in the national guard or militia; they shall also be exempt from the obligation of accepting political, administrative, or judicial offices or charges.

Those municipal duties which might be performed without loss of nationality, and which preserve therefore, the quality and condition of an alien, are excepted from the preceding rule.

ARTICLE IX

The citizens of the contracting parties are exempt from all extraordinary war contributions as well as from obligatory loans of any kind. They shall also be exempt from all military levies and services according to the principles in force in regard to the relations with the most favored nations, and in no case shall they be subject to said levies or services without obtaining first an indemnity on a just and equitable basis.

In all other cases, their personal or real property shall not be subject to charges or taxes other than those which are now imposed, or might be imposed in the future, upon their own nationals or upon the citizens of the most favored nation.

ARTICLE X.

No intervention on the part of the diplomatic representatives of the contracting parties shall take place by reason of legal pretensions or private claims in any civil, criminal or administrative matter, except when there should be a denial of justice or any extraordinary or illegal judicial delay or failure to execute a judgment which has already obtained legal force, or, if, after exhausting all legal remedies, there should exist a manifest violation of existing treaties between the two contracting parties, or of the principles of public or private international law universally recognized by civilized nations.

ARTICLE XI

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

The treaty shall come into force ten days after the exchange of ratifications, and shall remain in force for ten years from that date; but, if, twelve months before the expiration of this period, neither of the high contracting parties shall have declared its intention to abrogate this treaty, the same shall be in force for another year and so on until a year after said official declaration should be made.

In witness whereof the respective plenipotentiaries have signed the present treaty, affixing their respective seals thereto.

Done in two originals, in German and in Spanish, in the City of La Paz on the 22nd day of July, 1908.

(L. S.) VON HAXTHAUSEN.

(L. S.) CLAUDIO PINILLA.

CONSULAR CONVENTION BETWEEN THE NETHERLANDS AND CHINA RELATIVE TO THE DUTCH POSSESSIONS AND COLONIES¹

Signed at Peking, May 8, 1911; ratifications exchanged July 28, 1911

Her Majesty the Queen of the Netherlands and His Majesty the Emperor of China, believing that, independent of the treaty of commerce and navigation between the Netherlands and China, it is desirable that a special convention should define the rights, duties, powers, privileges, exemptions and immunities of Chinese consular officers in the Dutch possessions or colonies, in order to conclude said convention, have named as their plenipotentiaries, to wit:

Her Majesty the Queen of the Netherlands: François Beelaerts van Blakland, Esquire, Knight of the Orders of the Dutch Lion and of Orange-Nassau, invested with the third class of the first grade of the Order of the Double Dragon, her envoy and minister plenipotentiary to His Majesty the Emperor of China;

His Majesty the Emperor of China: Lou Tseng Tsiang, invested with the first class of the second grade of the Order of the Double Dragon,

¹ Staatsblad, 1912, No. 280.

Grand Cross of the Order of Orange-Nassau, of the Order of Saint Stanislas, his envoy extraordinary and minister plenipotentiary to Her Majesty the Queen of the Netherlands,

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1

The consuls-general, consuls, vice-consuls and consular agents of China shall be admitted into the ports of the Dutch possessions beyond the sea or into the Dutch colonies where reside or may reside officers of the same class of any other foreign nation.

ARTICLE 2

The consuls-general, consuls, vice-consuls and consular agents of China shall be considered as commercial agents, protectors of the commerce of their nationals within their consular jurisdiction.

They shall reside in the ports of the Dutch possessions beyond the sea or in the Dutch colonies, save such exceptions as the present convention establishes in their favor.

ARTICLE 3

Before being admitted to the exercise of their functions and enjoying all their powers, privileges, exemptions and immunities therewith connected, the consuls-general, consuls, vice-consuls and consular agents must present to the Government of Her Majesty the Queen of the Netherlands, a commission, indicating their consular jurisdiction and their place of residence.

The government of the possession or colony shall deliver to them, free of cost, the exequatur duly countersigned, necessary for the exercise of their functions; and upon having produced this document, the said consular officers of every grade shall be entitled to the protection of the government and to the assistance of the local authorities to insure to them the free exercise of their functions.

The Government of the Queen reserves unto itself the right to withdraw the exequatur or to have it withdrawn by the governor of the possession or colony, stating the reasons for such action.

In case of the death, incapacity or absence of the consuls-general, consuls, vice-consuls and consular agents, their consular students, their chancellors or secretaries, after their official character shall have

been notified to and approved by the competent authority, shall by full right be admitted to administer temporarily the affairs of the respective posts; during the entire period of this temporary incumbency, as far as their position as non-commercial foreigners may warrant, in conformity with Article 15, they shall enjoy all the rights, powers, privileges, exemptions and immunities accorded to the incumbents themselves.

ARTICLE 4

The consuls-general, consuls, vice-consuls and consular agents are authorized to display above the outer door of their residence an escutcheon with the arms of their government, bearing the inscription: *Consulate-General*, or *Consulate*, or *Vice-Consulate* or *Consular Agency of China*.

It is well understood that these external marks may never be interpreted as conferring any right of asylum upon the residence, nor as an indication that the residence and the dwellers therein may not be proceeded against by the territorial courts of justice.

ARTICLE 5

It is understood that the archives and documents relating to consular affairs shall be protected against searches, and no authority and no magistrate may enter the archives nor seize documents nor gain possession of them in any manner and under any pretext whatever.

ARTICLE 6

The consuls-general, consuls, vice-consuls and consular agents are not invested with any diplomatic powers.

No petition may be addressed to the Dutch Government except through the medium of the diplomatic agent accredited to The Hague.

In case of urgency, the consuls-general, consuls, vice-consuls and consular agents may have direct recourse to the government of the colony or possession by proving the urgency and stating the reasons for which the petition might not be addressed to the subordinate authorities, or by proving that previous petitions addressed to these authorities had not been acted upon.

ARTICLE 7

The consuls-general and consuls may appoint consular agents in the ports mentioned under Article 1.

These consular agents may be Chinese or Dutch subjects, or nationals of any other country residing, or entitled by the terms of the local laws to reside, in the port where the consular officer is appointed. These consular agents, whose appointment shall be submitted to the approval of the governor of the possession or colony, shall be provided with a commission issued by the consul under whose authority they are to exercise their functions.

The governor of the possession or colony may at any time, by notifying to the consul-general or consul the reasons for such action, withdraw from the consular agents the approval above referred to.

ARTICLE 8

The passport issued or certified by the consular officers in no way exempts the bearer from the obligation to be provided with all documents required by the local laws or regulations for traveling or establishing himself in the possessions or colonies, and in no way diminishes the right of the government of the possession or colony to order the removal or to prohibit therein sojourn of any individual provided with a passport.

ARTICLE 9

All operations regarding the salvage of Chinese vessels wrecked on the coasts of the Dutch possessions or colonies shall be directed by the consuls-general, consuls, vice-consuls or consular agents of China.

The intervention of the local authorities shall take place solely to maintain order, to protect the interests of the salvors if they are not part of the wrecked crews, and to insure the execution of the regulations made for the entry and exportation of property recovered.

In the absence of and until the arrival of the consuls-general, consuls, vice-consuls or consular agents, the local authorities shall, moreover, take all necessary measures for the protection of individuals and property recovered.

It is furthermore agreed that the property recovered shall be exempt from customs duties unless it is intended for consumption in the country where the wreck may have taken place.

ARTICLE 10

The consuls-general, consuls, vice-consuls or consular agents may request the assistance of the local authorities for the arrest, detention and

imprisonment of deserters of Chinese war vessels or merchantmen. To this end they shall address to the competent authorities a written request for the deserter, and if it is proven by the registers of the vessel, the enrollment list of the crew, or by any other authentic document, that the men claimed were part of the crew, the surrender of the deserters may not be refused them, unless the individual in question is a Dutch subject.

The local authorities shall be obliged to exercise all their power to cause the arrest of the deserters; and after the arrest, the latter shall be placed at the disposal of said consular officers, and they may be detained upon the request and at the expense of those claiming them, to be afterward returned on board the vessels to which they belong or sent on board another vessel of the same nation. But, if these deserters are not returned within four months, reckoned from the date of their arrest, they shall be set free and may never again be arrested for the same cause.

It is understood, however, that the surrender of the deserter who has committed a crime, violation or infraction against the law, shall be withheld until the tribunal of the possessions, colonies or of the mother-country before which the case is to be tried shall have rendered its decision and the latter have been carried out.

ARTICLE 11

Whether of their own free will or under compulsion, Chinese vessels put into port, such damages as they may have suffered at sea shall be settled by the consuls-general, consuls, vice-consuls or consular agents of China, unless stipulations to the contrary were entered into between the ship-owners, shippers and underwriters.

If, however, the consular officer is materially interested in the vessel or cargo, or is the agent thereof, or if Dutch subjects or subjects or citizens of a third nation are affected by the said averages, and the parties should be unable to reach an amicable settlement, then recourse may by right be had to the competent local authority.

ARTICLE 12

Upon the death, in the Dutch possessions or colonies, of a Chinese subject without heirs or testamentary executors, the Dutch authorities charged by the laws or decrees of the possession or colony with the administration of the estate shall immediately notify the Chinese consular

officers of the fact in order that the necessary information may be transmitted to those interested; on the other hand, the Chinese consular officers shall, in case they are the first to learn of the fact, give notice thereof to the said authorities.

The competent local authority shall complete said notification by delivering, in due form and without cost, a copy of the death certificate.

ARTICLE 13

The consuls-general, consuls, vice-consuls and consular agents shall have the right, in their offices, in their private residence, in the residence of the interested subjects of their country or on board vessels of their nation, to receive the declarations of the captains and crews of vessels of their country, of the passengers on board, and of any other subject of their country.

ARTICLE 14

The consuls-general, consuls, vice-consuls or consular agents of China shall have exclusive charge of the internal order of all merchantmen of their nation.

They alone shall have jurisdiction over all controversies which may have arisen at sea or may arise in port between the captain, the officers and men of the crew, including controversies regarding the adjustment of wages and the execution of contracts.

The tribunals or other authorities of the possession or colony may not for any reason whatever interfere in these controversies unless they should be of such a nature as to disturb the peace and public order on shore or in the port, unless persons not of the crew take part therein, or unless the consuls-general, consuls, vice-consuls and consular agents request the assistance of the said authorities to carry out their decisions or to uphold the authority of the latter.

ARTICLE 15

Whereas, in China the same favors are to be reciprocally accorded to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands, therefore the consuls-general, consuls, vice-consuls and consular agents of China, not engaged in trade nor any function or profession other than their consular functions, shall be exempt from all military service, requisitions or billeting, from pecuniary taxes in the place of military service and from any personal tax, as well as from gen-

eral or municipal taxes of a personal nature, unless they are Dutch subjects. This exemption can never be extended so as to include customs or other indirect or direct taxes.

The consuls-general, consuls, vice-consuls and consular agents who are not Dutch subjects, even if they do not come under the stipulations of the first paragraph of this article, are exempt from all military services, military requisitions and all pecuniary taxes in the place of military service, inasmuch as in China the same privilege is granted to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands.

The consuls-general, consuls, vice-consuls and consular agents who are subjects of the Netherlands, but who may exercise consular functions conferred by the Chinese Government, are obliged to pay all taxes or contributions of whatever nature they might be.

ARTICLE 16

The consuls-general, consuls, vice-consuls and consular agents, as well as consular students, chancellors and secretaries of China shall enjoy all powers, privileges, exemptions and immunities in the possessions or colonies of the Netherlands which are or may be granted in future to the officers of similar rank of the most favored nation.

ARTICLE 17

The present convention is entered into for a period of five years and shall go in force four months from the date of the exchange of ratifications, which exchange shall take place at The Hague within four months after the signing of the convention, or sooner if possible.

Unless one of the two high contracting parties notifies the other at least one year before the expiration of this period, of its intention to abrogate the convention, the latter shall remain in force for one year from the date of its denunciation by one of the high contracting parties.

In testimony whereof the respective plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Peking, the eighth day of the month of May, one thousand nine hundred and eleven, corresponding to the tenth day of the fourth moon of the third Chouen-Tong year.

(L. S.) BEELAERTS VAN BLAKLAND.

(L. S.) LOU TSENG TSIANG.

ARRANGEMENT BETWEEN COLOMBIA AND ITALY RELATING TO THE
QUESTION OF THE "FLAVIO GIOIA"EMBASSY OF ITALY,
PARIS, May 24, 1886.

To His Excellency M. F. de P. Mateus,

Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, Paris.

Mr. Minister: Referring to the verbal explanations exchanged between us relating to the Buenaventura incident, and before signing the protocol for the settlement of other questions pending between our two countries, conformably to the instructions I have received, I repeat the assurance that any infringement upon the treaties in force or upon the territorial sovereignty of Colombia would be considered as altogether contrary to the orders and intentions of the King's government.

On the other hand, the Colombian Government declares through you, as its organ, that it reposes full confidence in the uprightness of the King's government for the decision that may be rendered by the competent authorities of Italy regarding the acts of Captain Cobiañchi. In accordance with the regulations in force, that officer should furnish to the superior naval council all information concerning his cruise while commanding the *Flavio Gioia*.

The King's government agrees, conformably to the request of Colombia, to lay also before said court the documents which form the basis of the Republic's complaints against that officer of our navy.

Please to accept, and, etc., etc.,

L. F. MENABREA.

LEGATION OF THE REPUBLIC OF COLOMBIA,
PARIS, May 24, 1886.

H. E. General Count Menabrea,

Marquis de Val Dora, Ambassador Extraordinary and Minister Plenipotentiary of H. M. the King of Italy.

Mr. Ambassador: I have the honor to acknowledge the receipt of the letter of this date, in which your excellency, referring to the verbal

explanations exchanged between us, relating to the Buenaventura incident, and before signing the protocol for the settlement of the other questions pending between our two countries, has been pleased, conformably to his instructions, to repeat the assurance that any infringement upon the treaties in force or upon the territorial sovereignty of Colombia would be considered as altogether contrary to the orders and intentions of the King's government.

I am also authorized to declare that the Colombian Government has full confidence in the uprightness of his majesty's government in the decision that may be rendered by the competent authorities of Italy upon the acts of Captain Cobianchi, who, in conformity with the regulations in force, should place before the superior naval council every information concerning his cruise while commanding the *Flavio Gioia*. It is understood that the King's government, in accordance with the request made by Colombia, agrees also to lay before said superior court the documents which form the basis of the Republic's complaints against that officer of your navy.

Be pleased, etc., etc.,

F. DE P. MATEUS.

PROTOCOL BETWEEN COLOMBIA AND ITALY ESTABLISHING THE BASIS
FOR THE ADJUSTMENT OF THE CERRUTI CLAIM

Paris, May 24, 1886

The Governments of Italy and of Colombia, having settled by means of diplomatic notes the questions pending between the two countries which were not to be included in the friendly mediation offered by the Government of his Catholic Majesty, and desiring, as regards the other questions, to establish clearly, precisely, and positively the bases for said mediations:

H. E. General Count de Menabrea, Marquis de Val Dora, ambassador extraordinary and minister plenipotentiary of H. M. the King of Italy near the Government of the French Republic, of the one part, and H. E. Don F. de P. Mateus, envoy extraordinary and minister plenipotentiary of Colombia near the Government of the French Republic, of the other part thereunto duly authorized, have signed *ad referendum* the present protocol to be submitted immediately after approval by their governments, to the Government of his C. Majesty.

1. Immediately after the approval of this protocol, the Government of the Republic of Colombia shall restore to the Italian subject Mr. E. Cerruti, or to his representatives, the real estate belonging to him, situated on the territory of said Republic, which was seized by the authorities of the State of Cauca, or by any other authorities of the Colombian nation, during the last civil war.

2. Every other claim whatsoever, actually pending between the Government of H. M. the King of Italy and the Government of Colombia, in the behalf of said Cerruti or of other Italian subjects, remain subject to the mediation of the Government of H. C. Majesty, before which the two governments shall produce their respective proofs and documents.

The principal questions to be decided by the mediator are as follows:

Did the said Cerruti, or any other Italian subjects, lose in Colombia their condition of neutral aliens, Yes or No?

Did they lose the rights, prerogatives, and privileges granted to aliens by ordinary law and the laws of Colombia, Yes or No?

Must Colombia pay an indemnity to said Cerruti or to any other Italian subjects, Yes or No?

3. Should it result from said mediation that Colombia must pay indemnities, the amount of these indemnities, as well as the manner, terms, and guaranties of payment, shall form the object of an arbitral judgment, without any appeal or reservation whatsoever, which the two governments agree, from this date, to defer to a mixed commission, to be composed of the following members: The representative of Italy at Bogota, a delegate of the Colombian Government, and the representative of Spain at Bogota. The work of the mixed commission shall terminate within six* months after notification given by the Spanish Government of its conclusions to the representatives of the two parties at Madrid.

That said mixed commission shall have the duty of deciding, in case a question should arise, as to the extent of the real estate belonging to M. Cerruti, which, in conformity with article first, shall be restored to him to the full extent which it had at the time of the seizure.

4. Save the conclusions of the mediation, whatever they may be, it is expressly understood that M. Cerruti shall never be molested in the future, or in any way interfered with on account of any act he may be accused of having committed up to the date of the present protocol.

* Extended to eleven months by additional article signed August 25, 1886.

5. Diplomatic and friendly relations will be resumed on the day that the present protocol shall be approved by the two governments. The Government of Colombia shall, as soon as possible, accredit a representative near H. M. the King. Immediately after the approval of the present protocol, and as a pledge of the re-establishment of the friendly relations between the two countries, the King's government shall accredit anew a representative of his majesty in Colombia. That official shall go to Bogota on board a vessel of the royal navy, and on arriving at the port of Cartagena, after due notice being given, a salute of twenty-one guns, alternately, shall be exchanged between the vessel and the land batteries.

6. The present protocol shall be submitted to the two governments for approval. The approval must be made known at the same time through their respective representatives at Paris, within three months or sooner if possible.

Done at Paris, in duplicate, on the 24th of May, 1886.

L. F. MENABREA.

F. DE P. MATEUS.

PROTOCOL BETWEEN ITALY AND COLOMBIA FOR THE ARBITRATION OF THE
CERRUTI CLAIM

Signed at Rome, August 18, 1894

The Government of the Kingdom of Italy and the Government of the Republic of Colombia, desiring to put an end to the subjects of disagreement between them, growing out of the claims of Sig. Ernesto Cerruti against the Government of Colombia for losses and damages to his property in the State (now Department) of Cauca, in the said republic, during the political troubles of 1885, and desiring furthermore to make a just disposition of the said claims;

His Excellency Baron Blanc, Minister of Foreign Affairs, of H. M. The King of Italy, on the one part; and Don José Marcelino Hurtado, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia to His Majesty the King of Italy on the other part, acting with due authority from their respective governments, have signed this protocol, subject to the approval of the Congress of Colombia to which it shall be submitted during the present session.

The Government of Italy and the Government of Colombia agree to

submit to arbitration the matters and claims above referred to, for the purpose of arriving at a settlement thereof, as between the governments.

To this effect, as soon as this protocol shall have obtained the approval of the Congress of Colombia, the governments of Italy and of Colombia will join in asking H. E. the President of the United States of America, to be pleased to accept the position of arbitrator in the case, and discharge the duties pertaining thereto, as a friendly act to both governments.

As soon as the arbitrator by his acceptance of the office shall have qualified himself to enter upon his functions, he shall become vested with full power, authority and jurisdiction to do and perform and to cause to be done and performed all things without any limitation whatsoever, which in his judgment may be necessary or conducive to the attainment, in a fair and equitable manner, of the end and purposes which this agreement is intended to secure.

And he shall thereupon proceed to examine and decide according to the documents and evidence that may be submitted to him by each of the two governments or by the claimant as one of the two parties interested in the suit, and the principles of public law, first, which, if any, among the said claims of Sig. E. Cerruti against the Government of Colombia be a proper claim or claims for international adjudication, and, secondly, which, if any of the said claims of Sig. E. Cerruti against the Government of Colombia be a proper claim or claims for adjudication by the territorial courts of Colombia. And respecting the claim or claims, if any, which in the judgment of the arbitrator shall have the character of, and belong to, the first class of claims above defined, the arbitrator shall proceed to determine and to declare the amount of indemnity, if any, which the claimant Sig. Cerruti be entitled to receive from the Government of Colombia through diplomatic action.

• And regarding the claim or claims of Sig. E. Cerruti, if any, which in the judgment of the arbitrator shall possess the character of, and belong to the second class of claims above defined, the arbitrator shall so declare them to be and shall take no further action in the matter of such claim or claims.

The claims to which this protocol has reference shall be presented together with the documents and evidence in their support, to the arbitrator and submitted to him not sooner than six calendar months, nor later than seven calendar months, reckoned from and after the date

of acceptance of the office of arbitrator by H. E. the President of the United States of America.

Each of the two parties interested in the suit shall defray the expenses incurred on its individual authority or behalf; but all expenses entailed by the authority, or with the sanction, of the arbitrator for the purpose of conveniently discharging his functions or duties or for the common benefit of both parties interested in the suit, shall be borne equally between them.

The two governments solemnly bind themselves to abide by the decisions and awards of the arbitrator which shall be final and conclusive and not subject either to discussion or appeal. And they further agree not to reopen negotiations or diplomatic discussions on any point or points which the arbitrator may decide or dispose of, or which he may declare to have already been disposed of in conformity with public law: nor upon any claim or claims of Sig. E. Cerruti which the arbitrator may declare to have an internal and territorial character.

In witness whereof, His Excellency Baron Blanc, Minister of Foreign Affairs of His Majesty the King of Italy, and Don José Marcelino Hurtado, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia to His Majesty the King of Italy, hereunto affix their signatures at Castellamare Stadia on this the eighteenth day of August in the year one thousand eight hundred and ninety-four.

(Signed) BLANC. [L. S.]

(Signed) J. M. HURTADO. [L. S.]

The undersigned declare and acknowledge the foregoing to be a correct and faithful English version of the original protocol as drawn and executed in the Italian language.

Date ut supra.

(Signed) J. M. HURTADO.

(Signed) BLANC.

CONVENTION BETWEEN THE UNITED STATES AND COSTA RICA TO FIX THE
CONDITION OF NATURALIZED CITIZENS WHO RENEW THEIR RESIDENCE
IN COUNTRY OF THEIR ORIGIN ¹

Signed at San José, June 10, 1911; ratifications exchanged May 9, 1912

The President of the United States of America and the President of the Republic of Costa Rica, desiring to regulate the citizenship of those

¹ U. S. Treaty Series, No. 570.

persons who emigrate from the United States of America to Costa Rica and from Costa Rica to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries to conclude a convention, that is to say: the President of the United States of America, G. L. Monroe, Jr., Chargé d'Affaires ad interim of the United States at Costa Rica, and the President of Costa Rica Señor Licenciado don Manuel Castro Quesada, Minister for Foreign Affairs, who have agreed to and signed the following articles:

ARTICLE I

Citizens of the United States who may or shall have been naturalized in Costa Rica, upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Costa Rica. Reciprocally, Costa Ricans who may or shall have been naturalized in the United States upon their own application or with their own consent, will be considered by the Republic of Costa Rica citizens of the United States.

ARTICLE II

If a Costa Rican, naturalized in the United States of America, renews his residence in Costa Rica without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally, if a citizen of the United States, naturalized in Costa Rica, renews his residence in the United States, without intent to return to Costa Rica, he may be presumed to have renounced his naturalization in Costa Rica.

The intent not to return may be held to exist when the person naturalized in the one country, resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III

It is mutually agreed that the definition of the word "citizen" as used in this convention, shall be held to mean a person to whom nationality of the United States or Costa Rica attaches.

ARTICLE IV

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action pun-

ishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE V

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE VI

The present convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the convention it shall continue to be in effect for one year more, to count from the date of such notice.

The present convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at San José or Washington within twenty-four months of the date hereof.

Signed at the city of San José on the 10th day of June one thousand nine hundred and eleven.

[SEAL] G. L. MONROE, JR.

[SEAL] MANUEL CASTRO QUESADA.

CONSULAR CONVENTION BETWEEN BELGIUM AND DENMARK¹

*Signed at Copenhagen, August 26, 1909; ratifications exchanged
June 27, 1910*

His Majesty the King of Belgium and His Majesty the King of Denmark, mutually actuated by the desire to define as fully and clearly as is possible the reciprocal rights, privileges and immunities of their respective consular agents, and also their functions and the obligations to which they are subject in the two countries, have resolved to conclude

¹ *Le Memorial Diplomatique*, September 11-18, 1910, p. 523.

a consular convention, and to that effect have appointed as their plenipotentiaries the following:

His Majesty the King of Belgium:

Baron de Groote, his envoy extraordinary and minister plenipotentiary to His Majesty the King of Denmark,

His Majesty the King of Denmark:

Count C. W. Ahlefeldt-Laurvig, his minister of foreign affairs,

Who, after having exchanged their respective full powers, formed in good and due form, have agreed upon the following articles:

ARTICLE I

Each of the high contracting parties agrees to receive from the other consuls-general, consuls, vice-consuls and consular agents in all its ports, cities and places except those where it may not be convenient to recognize such officers.

This reservation however, shall not apply to one of the high contracting parties, without also applying to every other Power.

ARTICLE II

The consuls-general, consuls, vice-consuls and consular agents of each of the high contracting parties shall enjoy reciprocally, within the states of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their Commissions in the forms established in their respective countries. The government of each of the two high contracting parties shall furnish them, free of charge, the exequatur necessary for the exercise of their functions, and when this exequatur is obtained, they shall then enjoy the rights, prerogatives and immunities accorded to them by the present convention.

ARTICLE III

The consuls-general, consuls, vice-consuls and consular agents, citizens of the state which appointed them, shall be exempt from preliminary arrest except in the case of offenses which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the reserve army, in the national guard or in the militia; they shall also be

exempt from all direct taxes due the state, the provinces or communes and collected according to nominal lists, unless such taxes are imposed upon the ownership of immovable possessions or upon the interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the same circumstances.

ARTICLE IV

When a court of one of the two countries shall desire to receive the judicial declaration or deposition from a consul-general, consul, vice-consul or consular agent, who is a citizen of the state which appointed him and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

It is understood, however, that nothing contrary to the rules of civil and penal procedure in force in the two countries shall be done, and that, in matters of civil and criminal jurisdiction, the hereinbefore mentioned officers shall be summoned to appear according to the forms and laws in force in the country of their residence.

ARTICLE V

The consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices, an escutcheon bearing the arms of their nation with this inscription: *Consulate-general*, or *Consulate*, or *Vice-Consulate* or *Consular Agency of Belgium* or of *Denmark*.

They may also raise the flag of their country over their offices, except in the capital of the country when there is a legation there. In like manner they may raise their national colors over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI

Consular offices shall at all times be inviolable. The local authorities shall not under any pretext, invade them; neither may they under any

circumstances search them nor seize any documents there deposited. The consular offices shall, under no circumstances, be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate must be kept separate.

ARTICLE VII

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Ministry of Foreign Affairs in Belgium or to the Ministry of Foreign Affairs in Denmark, shall by full right be admitted to administer temporarily the affairs of the respective posts, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII

The consuls-general and consuls, in so far as the laws of their country permit, may, with the approval of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be chosen from among the Belgians, the Danes or the citizens of other countries. They shall be furnished with a regular commission and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

ARTICLE IX

The consuls-general, consuls, vice-consuls and consular agents shall have the right to address themselves to the administrative and judicial authorities of the state, province or commune of the respective countries throughout the whole extent of their consular jurisdiction, to protest against any violation of the treaties or conventions in force between Belgium and Denmark, and to protect the rights and interests of their nationals.

If their complaints should not be heeded, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may appeal directly to the government of the country in which they exercise their functions.

ARTICLE X

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties may take at their offices, at their private residence, at the residence of the parties concerned, or on board ship, the depositions of the captains and crews of the vessels of their own country, of passengers on board of them, and of any other citizen of their nation.

The said officers shall also have the right to draw up, in conformity with the laws and regulations of their country, in their offices, or bureaus, marriage contracts between the citizens of their country, as well as contractual acts entered into between citizens of their country and citizens or other inhabitants of the country where they reside, and even any acts on the part of the latter, provided they relate to property situated or to business to be transacted within the territory of the nation to which the consular officer may belong before whom the acts are entered into. Papers and official documents, whether in copies or in translation, when received in accordance with the provisions of the present article, shall have the same legal force as the originals themselves in the courts of justice of Belgium and of Denmark, provided they are duly certified by the consuls-general, consuls, vice-consuls or consular agents and bear their official seal and necessary legalization.

ARTICLE XI

The respective consuls-general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance, in accordance with the legislation of their country which defines their jurisdiction, of all differences which may either arise at sea or in port, between the captains, officers and crews in regard to any matter whatever, but in particular in regard to the adjustment of wages and the execution of contracts.

The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls-general, consuls and vice-consuls or consular agents, if they are requested by them to do so, in causing the arrest

and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

ARTICLE XII

The consuls-general, consuls, vice-consuls and consular agents may cause to be arrested for any reason whatever the officers, sailors and all other persons making part of the crew of ships of war or merchant vessels of their nation, who may be guilty, or accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address themselves in writing to the competent local authorities of the respective countries, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and the list of the crew or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request alone thus supported, the delivery to them of the deserters can not be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded, at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished the consular authorities for the pursuit, seizure and arrest of the deserters, who shall even be detained and guarded in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within two months of the date when they are arrested, the deserters shall be set free, nor shall they again be arrested for the same cause.

If the deserter has committed any crime, his extradition shall be deferred until the court having the right to take cognizance of the offense shall have rendered sentence and the sentence shall have been executed.

ARTICLE XIII

If a vessel of one of the contracting states is wrecked on the coasts of the other state and the captain or whoever is in command of the vessel does not wish that the local authorities should direct the salvage operations, then in so far as the local legislation permits, these operations shall be carried on under the direction of the consuls-general, consuls and vice-consuls of the country whose colors the vessel flies and, until their arrival, by the consular agents when an agency exists there.

If, in consequence of the legislation of the country where the wreck took place, the local authorities take charge of the salvage operations, either at the request of the captain or of whoever is in command of the vessel, or in the absence of any person authorized to represent the captain of the privateer or the owner of the vessel or of the goods cast upon the coast, they shall invite without delay the competent consul-general, consul, vice-consul or consular agent to proceed to the salvage place in order to receive his advice regarding the measures to be taken.

Whenever the consular officers direct the salvage operations, the local authorities shall not intervene except to maintain order, to protect the interests of the salvors if these do not belong to the wrecked crews, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is agreed that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense except such as may be caused by the salvage operations and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

The inhabitants of the country who might have an interest in the goods saved may have recourse to the competent local authority regarding all matters concerning the claim, the surrender or sale of the said goods, as well as the expenses incurred for their salvage and preservation.

The preceding dispositions do not impair the right, recognized to the two countries, to proceed to the removal of such wrecks as might interfere with navigation or fishing.

ARTICLE XIV

In case of the death in one of the two countries, of a citizen of the other country who had not acquired permanent domicile in the country where he died, the competent local authorities shall immediately notify the consul-general, consul, vice-consul or consular agent stationed nearest the nation to which the deceased belonged; on the other hand, if the latter are the first to be informed of such death, the consul-general, consul, vice-consul or consular agent shall notify the local authorities immediately thereof.

The competent local authority shall complete the said notification

by the transmittal, in due form and free of charge, of a certified copy of such record.

In the case of incapacity or in the absence of the heirs or testamentary executors, the consular officers, in concurrence with the competent local authority shall have the right, in conformity with the laws of their respective countries, to take all necessary steps for the protection and the administration of the estate, and especially to affix and to remove the seals, to make the inventory, to administer and to liquidate the estate; in short, to take all necessary measures in order to safeguard the interests of the heirs, except in such cases where controversies may arise, which must be adjudicated by the competent courts of the country where the succession takes place.

ARTICLE XV

The consuls-general, consuls, vice-consuls and consular agents of each of the high contracting parties shall mutually enjoy, in the colonies and and possessions of the other, the treatment of the most favored nation in regard to the various matters considered in the present convention.

ARTICLE XVI

The present convention shall remain in force for a period of ten years from the date of the exchange of ratifications. In case neither of the two high contracting parties should, twelve months before the expiration of said period, give notice of its intention not to renew this convention, it shall remain in force for one year longer, reckoned from the date on which one of the high contracting parties shall have given such notice.

ARTICLE XVII

The present convention shall be ratified and the ratifications thereof exchanged as soon as possible.

In faith whereof the plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done at Copenhagen, in duplicate, August 26, 1909.

(L. S.) P. DE GROOTE.

(L. S.) C. W. AHLEFELDT-LAURVIG.

EXTRADITION CONVENTION BETWEEN THE UNITED STATES AND
HONDURAS¹

*Signed at Washington, January 15, 1909; ratifications exchanged
July 10, 1912*

The United States of America and the Republic of Honduras, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Honduras, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the Republic of Honduras, Doctor Luis Lazo A., Envoy Extraordinary and Minister Plenipotentiary of Honduras to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Honduras shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this convention committed within the jurisdiction of one of the contracting parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of this convention, who shall have been charged with or convicted of any of the following crimes:

¹ U. S. Treaty Series, No. 569.

1. Murder, comprehending the crimes designated by the terms of paricide, assassination, manslaughter, when voluntary; poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of twelve years.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

9. The act of breaking into and entering into the offices of the government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local, or municipal governments, bank-notes or other instruments of public credit, counterfeit seals, stamps, dies, and

marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

15. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Honduran equivalent).

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Honduran equivalent).

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III

The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either

consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more Powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

ARTICLE VIII

Under the stipulations of this convention, neither of the contracting parties shall be bound to deliver up its own citizens.

ARTICLE IX

The expense of the arrest, detention, examination, and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the contracting parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

ARTICLE XI

The stipulations of this convention shall be applicable to all territory wherever situated, belonging to either of the contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraph other than the United States, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII

In every case of a request made by either of the two contracting parties for the arrest, detention, or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition, provided, however, that any officer or officers of the surrendering government so giving assistance who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV

This convention shall take effect from the day of the exchange of the ratifications thereof; but either contracting party may at any time ter-

minate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this 15th day of January, one thousand nine hundred and nine.

ELIHU ROOT. [SEAL.]

LUIS LAZO A. [SEAL.]

DOCUMENTS CONCERNING OPIUM

Circular note of the United States proposing the International Opium Conference

DEPARTMENT OF STATE,
WASHINGTON, September 1, 1909.

*To the Diplomatic Officers of the United States Accredited to the Governments
Which were Represented in the Shanghai International Opium Commission.*

Gentlemen:

The Government of the United States has learned with satisfaction the results achieved by the International Opium Commission, which concluded its labors at Shanghai on February 26, 1909. In the opinion of the leaders of the antiopium movement much has been accomplished by the commission; and by both the government and people of the United States it is recognized that the results are largely due to the generous spirit in which the representatives of the governments concerned approached the subject.

The Government of the United States appreciates the magnitude of the opium problem and the serious financial interests involved in the production of and trade in the drug, and it is deeply impressed by the friendly coöperation of the Powers financially interested and the desire as expressed by the resolutions of the commission that the opium evil should be eradicated not only from Far Eastern countries, but also from their home territories and possessions in other parts of the world.

During the investigation of the opium problem in the United States by the American Commissioners, it became apparent that, quite apart from the question as it affects the Philippine Islands, a serious opium evil obtained in the United States itself; that this was primarily due to the large Chinese population in the country, to the intimate commercial intercourse with the Orient, and to the unrestricted importation of opium and manufacture of morphia.

Thus, the interest of the United States in the opium problem is material as well as humanitarian, and, as the result of the investigations made before the meeting of the commission at Shanghai, the Congress of the United States passed the following legislation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the first day of April, nineteen hundred and nine it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: *Provided,* That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

Sec. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation, or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or by imprisonment for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

It will be observed that this Act excludes from the United States opium except for medicinal purposes. It is not unlikely that the Government of the United States may at an early date enact further legislation to place the entire manufacture and distribution of medicinal opium, its derivatives and preparations, and other habit-forming drugs like cocaine and Indian hemp, under federal supervision and control.

The United States, however, is not itself an opium-producing country, and in order to make its laws fully effective and stamp out the evil there should be control of the amount of opium shipped to this country. To

this end it will be necessary to secure international coöperation and the sympathy of opium-producing countries.

In the original despatches which led to the calling of the commission, the American Government considered the time had come to decide whether the consequences of the opium trade and habit were not such that the civilized Powers should take measures in common to control the trade and eradicate the habit, and the suggestion was made that there be an international conference to consider the question in its international bearing, and if feasible to draft an international agreement.

As, however, the Government of Great Britain intimated that procedure by way of commission seemed better adapted than a conference for an investigation of the facts of the trade and the consequences of the habit preliminary to any action by the Powers jointly and severally, and inasmuch as the material placed before the conference might be insufficient to arrive at definite recommendations, the United States modified its original attitude. Therefore, in the latter part of 1906, the Government of the United States approached several of the Powers more particularly interested in the question for an international commission of inquiry to study the scientific, economic, moral, and legislative aspects of the opium problem.

It was finally agreed by the governments concerned that a commission should meet at Shanghai on the 1st of January, 1909. The commission met on February 1, having been postponed out of respect to the late Emperor and Dowager Empress of China, and adjourned on February 26, 1909. After a thorough and searching study of the opium question in all its bearings, the commission adopted the following resolutions:

Be it resolved:

1. That the International Opium Commission recognizes the unswerving sincerity of the Government of China in their efforts to eradicate the production and consumption of opium throughout the Empire; the increasing body of public opinion among their own subjects by which these efforts are being supported; and the real though unequal progress already made in a task which is one of the greatest magnitude.
2. That in view of the action taken by the Government of China in suppressing the practice of opium smoking, and by other governments to the same end, the International Opium Commission recommends that each delegation concerned move its own government to take measures for the gradual suppression of the practice of opium smoking in its own territories and possessions, with due regard to the varying circumstances of each country concerned.
3. That the International Opium Commission finds that the use of opium in any form otherwise than for medical purposes is held by almost every participating

country to be a matter for prohibition or for careful regulation; and that each country in the administration of its system of regulation purports to be aiming, as opportunity offers, at progressively increasing stringency. In recording these conclusions the International Opium Commission recognizes the wide variations between the conditions prevailing in the different countries, but it would urge on the attention of the governments concerned the desirability of a re-examination of their systems of regulation in the light of the experience of other countries dealing with the same problem.

4. That the International Opium Commission finds that each government represented has strict laws, which are aimed directly or indirectly to prevent the smuggling of opium, its alkaloids, derivatives, and preparations, into their respective territories; in the judgment of the International Opium Commission it is also the duty of all countries to adopt reasonable measures to prevent at ports of departure the shipment of opium, its alkaloids, derivatives, and preparations, to any country which prohibits the entry of any opium, its alkaloids, derivatives, and preparations.

5. That the International Opium Commission finds that the unrestricted manufacture, sale and distribution of morphine already constitute a grave danger, and that the morphine habit shows signs of spreading: the International Opium Commission, therefore, desires to urge strongly on all governments that it is highly important that drastic measures should be taken by each government in its own territories and possessions to control the manufacture, sale, and distribution of this drug, and also of such other derivatives of opium as may appear on scientific inquiry to be liable to similar abuse and productive of like ill effects.

6. That as the International Opium Commission is not constituted in such a manner as to permit the investigation from a scientific point of view of anti-opium remedies and of the properties and effects of opium and its products, but deems such investigation to be of the highest importance, the International Opium Commission desires that each delegation shall recommend this branch of the subject to its own government for such action as that government may think necessary.

7. That the International Opium Commission strongly urges all governments possessing concessions or settlements in China, which have not yet taken effective action toward the closing of opium divans in the said concessions and settlements, to take steps to that end, as soon as they may deem it possible, on the lines already adopted by several governments.

8. That the International Opium Commission recommends strongly that each delegation move its government to enter into negotiations with the Chinese Government with a view to effective and prompt measures being taken in the various foreign concessions and settlements in China for the prohibition of the trade and manufacture of such anti-opium remedies as contain opium or its derivatives.

9. That the International Opium Commission recommends that each delegation move its government to apply its pharmacy laws to its subjects in the consular districts, concessions, and settlements in China.

Although no formal declaration was made, it was a matter of discussion and was recognized by the commission as a whole that the foregoing resolutions, however important morally, would fail to satisfy enlightened public opinion unless by subsequent agreement of the Powers

they and the minor questions involved in them were incorporated in an international convention.

Impressed by the gravity of the opium problem and the desirability of divesting it of local and unwise agitation, as well as the necessity of maintaining it upon the basis of fact as determined by the Shanghai Commission, the United States deems it important that international effect and sanction be given to the resolutions of the International Opium Commission, and to this end proposes that an international conference be held at a convenient date at The Hague or elsewhere, composed of one or more delegates of each of the participating Powers, and that the delegates should have full powers to conventionalize the resolutions adopted at Shanghai, and their necessary consequences. The government of the United States suggests as a tentative programme, based upon the resolutions and proceedings of the International Commission, the following:

- (a) The advisability of uniform national laws and regulations to control the production, manufacture, and distribution of opium, its derivatives and preparations;
- (b) The advisability of restricting the number of ports through which opium may be shipped by opium-producing countries;
- (c) The means to be taken to prevent at the port of departure the shipment of opium, its derivatives and preparations, to countries that prohibit or wish to prohibit or control their entry;
- (d) The advisability of reciprocal notification of the amount of opium, its derivatives and preparations, shipped from one country to another;
- (e) Regulation by the Universal Postal Union of the transmission of opium, its derivatives and preparations, through the mails;
- (f) The restriction or control of the cultivation of the poppy so that the production of opium will not be undertaken by countries which at present do not produce it, to compensate for the reduction being made in British India and China;
- (g) The application of the pharmacy laws of the governments concerned to their subjects in the consular districts, concessions, and settlements in China;
- (h) The propriety of restudying treaty obligations and international agreements under which the opium traffic is at present conducted;
- (i) The advisability of uniform provisions of penal laws concerning offences against any agreement that the Powers may make in regard to opium production and traffic;

(j) The advisability of uniform marks of identification of packages containing opium in international transit;

(k) The advisability of permits to be granted to exporters of opium, its derivatives and preparations;

(l) The advisability of reciprocal right of search of vessels suspected of carrying contraband opium;

(m) The advisability of measures to prevent the unlawful use of a flag by vessels engaged in the opium traffic;

(n) The advisability of an international commission to be intrusted with the carrying out of any international agreement concluded.

Without attempting to prescribe the scope of the conference, or to present a programme which may not be varied nor enlarged, the Government of the United States believes that the foregoing suggestions might properly serve as the basis at least for preliminary discussion, and invites a formal expression of opinion not merely upon the topics outlined, but an enumeration of other aspects of the opium problem which may seem of peculiar importance to any participating nation. The United States considers it important that an exchange of views take place as early as possible before the meeting of the conference.

If the programme, as outlined, meets with the approval of the government to which you are accredited, it will be highly serviceable that on some subsequent date, — for example, on or before December 1 of the current year — the participating governments exchange their views, together with such recommendations and observations as occur to them. This course will not only facilitate the work of the conference and materially shorten its labors, but enable the Government of the United States to prepare in advance a definitive programme based upon the suggestions and views of the participating governments.

You are therefore directed to transmit a copy of this instruction to the Minister for Foreign Affairs of the government to which you are accredited, and at the same time to request that a delegate or delegates be appointed, furnished with full powers, to negotiate and conclude an agreement, provided that the government to which you are accredited is favorable to the idea of an international conference for the suppression of the opium evil, as the result of the inquiries of the Shanghai Commission. I am, Gentlemen,

Your obedient servant,

ALVEY A. ADEE,
Acting Secretary of State.

Edict addressed by the Hoppo, or Receiver General of the Customs, at Canton, for the information of the merchants appointed to trade with foreign nations (1799).

Whereas I have received advices from his excellency the Fouyuen, (deputy governor) setting forth that

The ships of foreign nations have long since been permitted to import at Whampoa and Macao in the Province of Quangtong for the purpose of carrying on a trade by the free interchange of such commodities as were in demand on the one hand and superfluous on the other. From this general rule the article only of opium was excepted, a substance of whose composition we are unacquainted, but which is of a violent and powerful nature and possesses a fœtid and odious flavour; being, however, remarkable at the same time for a quality of exciting and raising the spirits, it has been sought after and purchased by persons without fixed homes or professions, who, having prepared an extract from it, opened shops for the support of this branch of traffic. The use of opium originally prevailed only among vagrants and disreputable persons, who occasionally associated together for the purpose of partaking of this substance, but has since extended itself among the members and descendants of reputable families, students, and officers of government, many of whom are so infatuated in their attachment to this drug, as to make an habitual use of it. Their inducement on this occasion appears to be the power, which this substance communicates to those who partake of it, of not closing their eyes for entire nights, and spending them in the gratification of impure and sensual desires, whereby their respective duties and occupations are neglected. When this habit becomes established by frequent repetition, it gains an entire ascendant, and the consumer of opium is not only unable to forbear from its daily use, but, on passing the accustomed hour, he is immediately seized with pains in the head and a feverish heat, cannot refrain from tears or command himself in any degree. For relief, therefore, from these painful symptoms and to regain his wonted health, he has necessarily recourse to the same pernicious substance. When, at length, the gradual and progressive effects of this poison have pervaded the lungs and the whole bodily frame, the sufferers, with the pale and sickly hue of doves or small fluttering birds, are no longer within reach of medical assistance; desirous, but in vain, of quitting so dreadful a practice, they would willingly end it with their lives by tearing out their entrails in despair. The extraordinary expense of this article is likewise to be noticed, each mace weight of which in the extract is exchanged for eight or nine mace in money; and the constant use of it raises at the same time an excessive appetite for other kinds of food, which the fortunes of the bulk of the community are unable to satisfy, and are therefore, in the course of a few years, wholly dilapidated and wasted away. Of these, the infirm and weak perish gradually from want and hunger, while the strong and vigorous become thieves and robbers, the ultimate ruin of all being thus equally certain and inevitable. Others again, among the deluded and misjudging people, from trifling causes or absurd conceits, take the premature resolution of swallowing a decoction of opium in wine, thus ending their existence by means of readier access than the generality of vegetable substances usually esteemed poisonous and destructive to the human frame. The pernicious effects arising from the use of opium were formerly confined to the Provinces of Fo-

keen and Quangtong, but have spread in the course of time through the other provinces of the empire, where the eagerness after the traffic and consumption of this article has even exceeded that of its first introducers. Thus it is that foreigners by the means of a vile excrementitious substance, derive from this empire the most solid profits and advantages; but that our countrymen should blindly pursue this destructive and ensnaring vice, even till death is the consequence, without being undeceived, is indeed a fact, odious and deplorable in the highest degree.

Being now desirous of opposing the growing evil, for which it appeared necessary to revert to the sources whence it sprung, we discover by a careful investigation that the article opium is imported by foreigners, and gains admittance into the empire through the Bocca Tigris; whence, either by the pilot-vessels and armed guard boats that are stationed there, it is conveyed up the river to Shin Shin (Dane's Island) or by the means of small craft it is landed by degrees at Macao, and thence conveyed privately to the capital, while the custom house officers and guards at the different stations, though well acquainted with the transaction, suffer it to pass without examination or inquiry; being doubtlessly bribed to a large amount for that purpose. If the utmost endeavors are not now made to cut away the root and branches of the evil, to what extent may they not proceed?

We, therefore, publish these our general orders, for the information of all officers, civil or military, at the different stations and districts of the province, that they may rigorously examine into and punish the commission of this offence wherever it occurs, and at the same time we request of his excellency the Hoppo to issue positive orders and injunctions to the officers, attendants, and guards of the several custom houses in his department, that should henceforth any pilot-vessels, guard-boats, or fishermen privately take on board, those pieces of mould or earth denominated opium, a strict search and investigation shall be made, and the offenders apprehended and conveyed to the presence of the magistrate to undergo such punishment as may be thought adequate to their guilt. If, notwithstanding these our orders, bribes are again accepted, and the passage of this article connived at, it shall be traced with the utmost exactness and rigor in the districts and stations through which it has been transported, that no pains may be spared to effect a thorough reformation and amendment in these respects. Should any further mode or regulation occur, that might tend to enforce, or render more effectual, these prohibitions and restrictions, we request of his excellency the Hoppo to give us due information thereof in reply to this our communication to him.

On receiving the foregoing letter, I made a similar inquiry respecting the introduction of the substance denominated opium, and find that it is indeed imported into this country by foreign vessels, and have consequently issued orders to the Superintendent of the Custom House, at the port of Macao, to be communicated to the chief foreign residents and commanders of vessels belonging to that city, notifying our determination to prohibit the entrance of the article opium into that port; as well as our general orders to make every exertion to discover and inform us of it, if ever it should take place.

Having replied to his excellency the Fouyuen's communication, I proceed to extend the above orders to the Hong merchants, to which it behooves them to pay a strict and unreserved obedience, and communicate them to the chief supercargoes of foreign nations, that they may enforce the observance of this prohibition of the importation of opium on board the ships of their respective countries. But should, nevertheless, any ship hereafter import this article, none of the Hong merchants will be so imprudent or absurd as to become security, or undertake the disposal of her cargo; as I should in such event immediately report their conduct to the Viceroy and Fouyuen, by whom the merchants would be rigorously examined and punished for the offence without any mitigation or excuse being admitted. The Hong merchants shall, according to custom, reply hereto and make known to us their obedience to these commands.

Given at Canton on the 16th day of the 11th Moon of the 4th year of the Emperor Kia King (1799).

Regulations adopted by the Anti-Opium Commissioners, March, 1909

On April 1, 1909, the Ministry of Foreign Affairs received a copy of a memorial submitted to the Throne by the Anti-Opium Commissioners, Princes Kung and Pu Wai, with a copy of supplementary regulations for suppressing the consumption of opium in a uniform measure and a list of the names of those provincial authorities who have not yet made reports and statistics concerning the condition of opium consumption and poppy cultivation in their respective provinces.

In obedience to the Imperial Edict, your memorialists have formulated all the proposed regulations for suppressing the consumption of opium into a uniform measure in order to render the regulations more effective. Your memorialists humbly submit the enclosure for the approval of your Majesty.

In accordance with the Imperial Edict issued on the 20th of March, 1909, stating that "the prohibition of the consumption of opium is indispensable to the strengthening of our country and the promotion of the general welfare, and, in view of the fact that the opium question is a grave concern to the future prosperity of China and the well-being of her people, we do command all the higher officials, civil and military, both metropolitan and provincial, to exercise due care in enforcing with severity all the prescribed regulations, and also submit as soon as this

Imperial decree reaches them, a strict report on the condition of opium consumption and the measures and means used for suppressing the practice of opium smoking within their respective jurisdiction."

In consequence of the Imperial favor, we are appointed Anti-Opium Commissioners to revise the regulations for suppressing the practice of opium smoking among the metropolitan and provincial high officials and those who are in governmental service in the various *yamens*.

It will be the duty of the superior authorities to detect opium-smokers among their underlings and subordinates and those who have already given up the vice. Their certificates of non-smoking will be deposited in the Anti-Opium Bureau for further inspection and examination, lest they impose upon their superiors.

A year has elapsed since the enactment of the regulations, yet the majority of the statistics or reports given contain only the record of the officials in the service of the provincial capitals.

Lately the various *yamens* in Peking have sent in their reports, and over 500 officials in the service of different *yamens* have been tested as to their habits.

Your commissioners have appointed officers as inspectors of the opium-smoking habit among the officials of different rank, whose sole duty is to go about inspecting and detecting with diligence and care those who are still deep in the opium-smoking habit and those who are ingenious in concealing their vice.

The offenders upon being discovered will be reported to the high authorities and given serious black marks.

It is reported that those who were sent in for testing and examination as to their smoking habit were only officials of non-importance. They were old and many of them had eradicated the evil habit and fallen into it again. All these defects are due to the carelessness of the inspectors in executing given instructions.

- Your memorialists, feeling great anxiety for the successful suppression of the opium smoking vice, have redrafted all the regulations, ordering all officials as well as those who, although, bearing an official title, were not holding an official post, to be tested and examined alike, thus putting the said regulations into uniform effect and also commanding those who have tried their best to eradicate the evil habit, but failed, to sever their habit gradually within a limited period.

Instructions have been despatched to the different provincial authorities by us, to enforce all the prescribed regulations with due care,

and to exercise their influence and power in the matter so as to get the most desirable result.

Your memorialists now humbly submit to Your Majesty the ten supplementary regulations enclosed herewith for approval.

Many years have already elapsed since the Imperial Edict was issued in September, 1906, for suppressing the opium habit and consumption. All the officials both civil and military should have obeyed and eradicated their vice.

But it has been discovered that there are many who had abandoned their practice of opium smoking, but have fallen into the vice again. In case they should be detected in this offence, they should not only be cashiered, but never be reinstated in their official rank. Moreover, no official post should be given them by any provincial authorities. If the said authorities should show any favoritism to the offenders, they should be prosecuted for committing deception.

(1) All the officials, both metropolitan and provincial, should be cashiered and duly punished in case they should fall into the smoking habit again, after they had once eradicated the vice and had filled and signed a certificate to that effect.

In case the inspectors of opium-smoking should fail to detect such cases of offence, they should be degraded in rank.

Those who are most artful in concealing their vice in spite of the law, upon their being discovered, should be dealt with as a case of committing fraud in the first degree.

(2) Anti-opium inspectors should be elected and appointed every month, from the members of the following Boards, namely the Ministry of Civil Appointment and the Ministry of War. No candidates are eligible to the election except those who have never been addicted to opium-smoking. The elected one must give a written declaration to that effect and the certificate should be properly endorsed by a metropolitan official of his native province.

No official post henceforth will be granted to those who have been addicted to the practice of opium-smoking.

(3) Each *yamen* should acquaint itself with its own members and keep a proper record as to their merits and character.

There are many principal officials of the different departments of *yamens* or ministries who fear to deal strictly with those members under their charge because of their usefulness in their work, although they are strongly suspected of being addicted to the practice of opium-smoking.

Your commissioners have repeatedly sent despatches to the various *yamens* and instructed them to submit reports of those members who were once addicted to the smoking habit but who have already abandoned it and who possess a certificate to that effect, and send them in to be tested for verification. In the case of officials being detected in concealing their habit, or of superiors attempting to shield their underlings or subordinates, they should be severely dealt with according to law and be reported to the high authorities.

(4) Owing to the frequent change of anti-opium inspectors, the records have not been properly kept; consequently not all the reports have been certified. Hereafter reports should be sent in once every three months and be properly kept, which will show the number of those in the various ministries who are addicted to the smoking habit and those who have eradicated the habit and hold a certificate to this effect. Such a step will greatly facilitate further examinations in future.

(5) According to the regulations formulated by the Bureau of Constitutional Revision, no opium-smokers should have the right to vote or qualify for election, yet it has been reported that the various provincial assemblies have discovered that there are a number of opium-smokers who are qualified voters. This being so, it is to be feared that this breach of the regulations will be followed in other provinces. To obviate such a contingency, all such offenders will be severely punished in future, and those who permit the offense will also be punished.

Employees of telegraph and mining companies shall be governed by the above prescribed regulations. In case of failure to observe these regulations, due punishment will be inflicted on the offender.

(6) The authorities and teachers of the government schools in the various provinces receive proper compensation for their services; therefore, the Ministry of Education should not allow any smoker to hold responsible positions in the schools. All men who are engaged in school work are required to submit a certificate of non-smoking to the high authorities.

(7) All officers and employees of the railway offices and the commercial clubs of the different provinces are men holding responsible positions; therefore they should be examined by their proper authorities and should receive a certificate of non-smoking from them.

(8) The members of provincial assemblies and educational bureaux, and men of rank who have some connection with their local authorities

in the prefectures, sub-prefectures and districts of their respective provinces, must bear some responsibility in suppressing the consumption of opium, because they are the leading men among the people. If they themselves are addicted to the vice, how could they give advice to their people and occupy a position of responsibility in the assemblies? Moreover, the Constitution provides that no smoker is eligible to vote or to be elected to any position; therefore, no responsible public position should be granted to opium-smokers.

Therefore we beg to send to the various provinces the Imperial instruction commanding the Viceroys, Governors and Tartar Generals to send in their reports and statistics at once.

Translation of a Memorial presented by the High Anti-Opium Commissioners, concerning the test for opium smoking Officials. The Mémorial has been sanctioned by the Throne and the Regulations therein submitted have been adopted.

The memorialists beg to state that they, with a view to securing greater efficiency in the anti-opium work, have formulated ten regulations and request the Imperial sanction for their adoption. It is to be remembered that on the 20th day of December, 1910, the memorialists received Imperial instructions to the effect that "officials of the first grade being often received by the Throne, if any of them possessed the opium habit, they could not easily escape notice. But opium smoking officials from the second grade down, their attendance at court being less frequent, might neglect to cure their opium habit, and it was necessary to introduce a kind of test whereby delinquents might be discovered and reported for punishment. The Anti-Opium Commissioners should carry out this test with severity and energy without fear of incurring resentment." It is generally recognized that the Throne is determined on stamping out national vices and promoting the public welfare. Being aware of their responsibility, the Anti-Opium Commissioners have worked day and night in the hope of fulfilling the Imperial instructions. But although the anti-opium work was begun three years ago, the evils from the opium habit are not yet entirely eradicated, which is causing the Throne much anxiety. For this reason, the commissioners are feeling much concerned, and being again reminded of their duty, they should exert their best efforts in the prosecution of the work.

According to former regulations, opium-smoking officials were tested

through the agency of their superiors. But now the commissioners shall call directly upon them to undergo the test. The present regulations will require all the metropolitan officials from the second grade down, who are suspected of still possessing the opium habit, to pass the test, notwithstanding their being certified to the contrary. If any delinquents are discovered, the commissioners shall report them to the Throne, without consideration of injuring friendship or incurring resentment. The ten regulations proposed by the commissioners are as follows:

(1) All the metropolitan officials from the second grade down who are suspected of still possessing the opium habit, though others have certified otherwise, shall be subject to the Anti-Opium Commission's test. It is proposed that officials of the second, third and fourth grades suspected of smoking, whether they are in active service or awaiting appointments, shall be certified by the high authorities of the Boards concerned to that effect. Within three days after the receipt of the summons of the commission, the certifiers shall present these suspected officials to the commission. After they have satisfactorily passed the test, the commission shall report the result to the Throne asking it to reinstate these officials in office. Otherwise it shall recommend the delinquents for punishment.

(2) All the officials of these grades who are subject to the test, unless they are on leave of absence granted by the Throne, shall appear at the commission whenever they are summoned, no matter what other important duties may be before them. If any official refuses to conform to this requirement, he shall be considered a delinquent and subject to severe punishment.

(3) All the officials from the fifth grade down who are suspected of still possessing the opium habit are subject to the test. The commission shall issue direct summons for their appearance. Any delinquents discovered will be reported to the Throne for punishment, and those having supervision over them shall be delivered by edict to the Board concerned for the determination of a fine in accordance with the second regulation.

(4) When officials obtain leave of absence on account of mourning, sickness or death in their families, or going out on missions, they shall notify the commission to that effect. A leave granted shall be only for important business. If no report of this kind is made, the officials shall always be liable to answer promptly the summons of the commis-

sion. In case an official is sick and has not reported, he shall come to the commission to give satisfactory proof before leave is granted to him. The high authorities of the Boards shall not make excuses for the purpose of defending a delinquent by stating that they have omitted to report his being granted leave of absence on account of sickness and so forth.

(5) The punishment for those who have made false certificates has been too mild. It is now proposed that in the case of false certification, the certified official shall incur permanent dismissal from office, while the certifier will be degraded by one degree for which no fine can be substituted. The commission shall require a fresh certification by their colleagues and fellow provincial officials of all the suspected officials from the second grade down. If any one has inadvertently made a false certificate, he may be allowed to withdraw it.

(6) It has often happened that officials coming to undergo the test have brought medicine or substitutes for opium by concealing them inside their clothing or bedding. Now a few such discoveries have been made and punished accordingly. In order to avoid the repetition of such practice, the commission shall establish bath-rooms in the wards and provide clothes. Every candidate on his arrival shall take a bath and change his clothes. Nothing of his personal effects shall be allowed in the ward. Any violation of this rule shall be deemed a disobedience of Imperial order and be dealt with accordingly. If medicine is found in a suspect's possession, no matter how small the quantity is, he shall be considered a delinquent and be dealt with accordingly.

(7) When an official is confined in the ward, no friends or relatives of his shall be allowed to visit him, nor servants of his to wait on him. No medicine which he has been taking for other purposes shall be allowed for his use.

(8) Any official summoned to the ward shall be confined there at least for seven days, even if he fulfils the test at the outset. If there is further suspicion, the period of confinement may be prolonged.

(9) After an official has left the ward, he shall be certified once every three months by his superiors whether he has renewed his opium habit or not. The commission may summon him again if suspicion warrants it.

(10) While in the ward, the suspects shall strictly observe the prescribed regulations in all respects. Any violation of them shall be duly

punished. When necessary, additions or amendments to these regulations may be made by memorial.

*Anti-Opium ordinances promulgated by the Imperial Government in
January, 1911.*

ARTICLE I

Any person who should, in violation of established regulations, plant the poppy, manufacture prepared opium, or deal in the drug, shall be liable to imprisonment of the fourth degree for a fixed period.

ARTICLE II

Any person who should manufacture or deal in the instruments for the smoking of opium, shall be liable to imprisonment of the fifth degree for a fixed period.

ARTICLE III

Any person who should establish opium divans for doing public business, shall be liable to imprisonment of the fourth degree for a fixed period or fine of not more than one thousand dollars. The houses, the owners of which are cognizant of the fact, shall be confiscated, but those whose owners are not aware of the fact, shall not be liable to forfeiture. Tea shops, restaurants and public houses, where there are established opium divans, shall be subject to the same penalty.

ARTICLE IV

- Any person who shall, in contravention of established regulations, smoke opium, shall be liable to a fine of not less than twenty dollars and not more than five hundred dollars.

ARTICLE V

Any person who shall smoke opium within the Imperial precincts, or the Imperial mausolea, shall be liable to imprisonment of the first or second degree for a fixed period.

ARTICLE VI

Any official in charge of opium suppression who shall wilfully shield offenders from punishment, shall be subject to the same penalty as the offenders themselves. If the acceptance of heavy bribery be discovered, the punishment shall be proportionately increased, but if it should only be a case of negligence, the delinquent shall be handed over to the Board concerned to be severely dealt with.

ARTICLE VII

Any person who shall violate any of Articles I-VI, shall be deprived of the right to vote and the right to receive any kind of honors. If the offenders should be officials, they shall be degraded and never be employed again.

ARTICLE VIII

Any person who has been punished in accordance with these laws, and who is again guilty of violation, shall be subject to a penalty one degree severer than that which is provided for in these laws.

ARTICLE IX

Any person who has attempted to violate any one of these articles without succeeding in doing so, shall be liable to a penalty one or two degrees lighter than that which is provided against the offense. If the non-success of the attempt is due to his own volition, his penalty shall be two or three degrees lighter, or be remitted altogether.

ARTICLE X

All persons sentenced to punishment shall be confined in a reformatory for the period specified as follows:

Punishment of the first degree, imprisonment of more than ten years but less than fifteen years.

Punishment of the second degree, imprisonment of more than five years but less than ten years.

Punishment of the third degree, imprisonment of more than three years but less than five years.

Punishment of the fourth degree, imprisonment of more than one year but less than three years.

Punishment of the fifth degree, imprisonment of more than two months but less than one year.

ARTICLE XI

Any person who is liable to imprisonment may have his sentence made lighter, or heavier, in accordance with the order set forth in the foregoing article, by decision of a higher court.

Punishment of the first degree, if inflicted for an offense of a most serious nature, may be extended to twenty years, and the punishment of the fifth degree may be reduced simply to detention for a breach of the police regulations.

Any person who is subject to a fine may have his fine made one degree lighter by appeal by having one fourth of the amount of his fine reduced.

ARTICLE XII

All fines are payable within one month after the decision has been rendered. Any person who does not pay his fine within the time limit, shall have his punishment changed into that of imprisonment, each dollar counting as one day; but however many the number of days, the period of imprisonment shall not exceed three years. If the number of days be less than two months, the imprisonment may be remitted into that of detention for a violation of the police regulations.

Those whose sentences of paying fines have been converted into imprisonment or police detention owing to non-payment of fines, may be allowed to make payment subsequently, and the number of days they have served in imprisonment or police detention is to be deducted from the amount of their fines.

NATIVE OPIUM

Estimates of Production for years 1906, 1908 and 1911

PROVINCE	Year 1906 Based upon Customs Reports	Year 1908 Based upon Customs Reports	Year 1911 Based upon Gov- ernment Reports	Percentage of Reduction
	<i>Piculs</i>	<i>Piculs</i>	<i>Piculs</i>	
Manchuria	15 000	8 000	nil	100
Chihli	12 000	8 000	nil	100
Shantung	18 000	12 000	nil	100
Kiangsu	16 000	5 000	800	95
Chekiang	14 000	9 000	2 800	80
Fukien	5 000	3 000	500	90
Kwangtung	500	200	nil	100
Hunan	1 000	500	300	70
Hupen	3 000	2 000	300	90
Kiangsi	300	100	75	75
Anhwei	6 000	3 000	600	90
Honan	15 000	10 000	3 000	80
Shansi	30 000	20 000	nil	100
Shensi	50 000	33 000	20 000	60
Kansu	34 000	23 000	17 000	50
Szechwan	238 000	159 000	nil	100
Yunnan	78 000	39 000	11 700	85
Kweichow	48 000	32 000	9 600	80
Kwangsi	500	150	nil	100
New Territory	500	300	100	80
	584 800	367 250	66 775	

The above estimate of production shows a decrease of $37\frac{1}{4}$ per cent at the end of 1908 and 98 per cent at the end of the second quarter of 1911.

AN ACT TO PROVIDE FOR THE OPENING, MAINTENANCE, PROTECTION, AND
OPERATION OF THE PANAMA CANAL, AND THE SANITATION AND
GOVERNMENT OF THE CANAL ZONE

[PUBLIC — No. 337]

Approved August 24, 1912.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the zone of land and land under water of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November eighteenth, nineteen hundred and three, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed

necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this Act shall be established.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate,

commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of ten thousand dollars a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than twenty-five per centum the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Before the completion of the canal, the Commission of Arts may make report to the President of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coast-wise trade of the United States. That section forty-one hundred and thirty-two of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized

and chartered under the laws of the United States or of any State thereof, the President and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this Act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section thirty-seven of the Act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the Act of March third, eighteen hundred and ninety-one, entitled 'An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said Act."

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed one dollar and twenty-five cents per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteenth, nineteen hundred and three. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of one dollar and twenty-five cents per net registered ton as nearly as the same may be determined, nor be less than the equivalent of seventy-five cents per net registered ton. The toll for each passenger shall not be more than one dollar and

fifty cents. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation.

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the Act entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight, and of the Act entitled "An Act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, subject to the International Convention

and the Act of Congress to regulate radio-communication, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Company or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with

the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this Act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed three hundred dollars, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of one hundred dollars, or imprisonment not exceeding thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section ten of this Act, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in

both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, of offenses arising under section ten of this Act, all causes in equity; admiralty and all cases at law involving principal sums exceeding three hundred dollars and all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district court or the judge thereof shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said district. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, and may appoint one assistant when necessary, who shall receive salaries to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any

circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of five thousand dollars per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this Act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the supreme court of the Canal Zone, shall cease to exist. The President may continue the supreme court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this Act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings, in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds one thousand dollars, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in

reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding ten thousand dollars or by imprisonment not exceeding twenty years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

SEC. 11. That section five of the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the Act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possi-

bility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July first, nineteen hundred and fourteen. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July first, nineteen hundred and fourteen, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the Act of Congress approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce

taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other Act of Congress amending or supplementing the said Act of July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the Act of August twenty-seventh, eighteen hundred and ninety-four. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section six of said Act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between

and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the Act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the Act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section fifteen of the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal

Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during the continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this Act shall be known as, and referred to as, the Panama Canal Act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF VENEZUELA
AND THE UNITED STATES OF BRAZIL¹

Signed at Caracas, April, 30, 1909; ratifications exchanged, January 8, 1912

The Acting President of the United States of Venezuela and the President of the United States of Brazil, desirous to conclude an arbitral convention in accordance with the principles enunciated in Articles XV to XIX and in Article XXI of the Convention for the Peaceful Settlement of International Disputes, signed at The Hague the 29th day of July, 1899, have duly authorized the undersigned:

Dr. Francisco González Guinán, Minister of Foreign Relations of the United States of Venezuela, and

Don Luiz R. de Lorena Ferreira, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil to the United States of Venezuela;

Who have agreed upon the following articles:

¹ *Gaceta Oficial* of Venezuela, January 9, 1912, No. 11,508.

ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the high contracting parties, and which it may not have been possible to settle by diplomacy, shall be submitted to the Permanent Court of Arbitration at The Hague; provided, that they do not affect the vital interests, the independence or the honor of the high contracting parties, and do not concern the interests of third parties.

It is also understood that if one of the two high contracting parties should choose to do so, any arbitration provided for in this convention shall be first submitted to the chief executive of a friendly state or before arbitrators chosen without restriction to the list of the above named Permanent Court of Arbitration at The Hague.

ARTICLE II

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration of the Hague, or to other arbitrators or to a sole arbitrator, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrator or arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that such special agreements shall be entered into by the presidents of the respective states and shall be subjected to the formalities which the respective constitutional laws of the two countries require for such purposes.

ARTICLE III

The present convention shall remain in force for the period of five years from the date of the exchange of the ratifications thereof and if not denounced six months before the expiration of the above named period it shall continue in force for one additional year, and so on in the future.

ARTICLE IV

The present convention shall be ratified by the President of the United States of Venezuela in accordance with the constitution and laws of this state, and by the President of the United States of Brazil with the authority of the Federal Congress thereof. The ratifications shall be exchanged in the city of Caracas as soon as possible and the

convention shall become effective immediately upon the exchange of said ratifications.

In witness whereof, we, the undersigned, sign the present treaty in duplicate, in Spanish and Portuguese, and affix thereto our seals.

Done in the City of Caracas on the 30th day of April, 1909.

(L. S.) F. GONZÁLEZ GUINÁN.

(L. S.) LUIZ R. DE LORENA FERREIRA.

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